

LEGALFOXES LAW TIMES

REVAMPING THE STANDARDS OF JUDICIARY BY ARTIFICIAL INTELLIGENCE TECHNOLOGY AND ITS CHALLENGES

WHAT IS AI TECHNOLOGY?

The ability to perform the task requiring human intelligence is commonly known as Artificial Intelligence (AI). AI is playing a major role in the modernization of world. The revolutionary changes with the help of AI technology in the field of education, transportation, health care and entertainment benefitted the world at large. In general the benefits of Artificial Intelligence are not only limited to the above mentioned fields; rather this concept is new and yet to be applied completely in the field of Judiciary.

WHAT ARE THE COMPLEXITIES INVOLVED IN JUDICIAL DECISION MAKING?

The concept of storing information in human brain or on paper is slowly being replaced by the way of AI technologies. The task of research, storing case details, providing assistance to the Judges becomes easier with the help of AI. The most important function of judiciary is to render decisions which include fines, parole, penalty etc by taking into account of human behavior. Rendering reasoning for each and every decision is also very important feature of Judiciary. In order to understand the correlation between the Judiciary and AI technology, it is important to look into the role played by our Indian Judiciary. The task of a Judge in reality is complicated. It includes variety of aspects such as interaction with different kinds of peoples, suggesting dispute settlement procedure, undertaking educational activities along with adjudicatory functions, hearing evidences, instructing juries, making rulings, etc. Sometimes the role of the Judge is based on emotions and compassion too. On account of these variations, it is complex enough to understand how AI will help in reshaping the judicial role.

ANALYSING THE ROLE OF AI IN JUDICIAL DECISION MAKING:

The idea of introducing artificial intelligence in Judiciary imposes a major question of requirement of human judging at least in some categories of dispute. Decisions, such as life

sentence to an individual, raise primary concerns over human dignity and thus cannot be made even by impartially well-designed machines. The software used in AI technologies helps in providing the law, but before application of law the fact identification procedure carried out by the Judges is a necessary process to take place. Thus, segregation of facts and law could be a major difficulty with the AI Judge. This new AI technology is not yet competent enough to do the work of a Judge.

Reforms have been made in order to improve access to justice through AI. The AI technology which has been contributing towards the idea of reshaping the judicial role includes: 1) supportive technology, which provide assistance, support and often advice to people concerned with the legal system. 2) Replacement technology, which could be capable enough to replace the task that was otherwise, performed by the human beings. 3) The third one is the disruptive technology which helps in doing analytical analysis. In bringing out the judicial development the supportive technology in the form of online services and replacement technological such as teleconferencing, videoconferencing, and email supplement etc are helping out the Judiciary in many ways especially in matters related to bail applications. Thus, AI has potential to support judges but the benefit of AI mostly limited to the judicial decision making at the lower level.

POTENTIAL OF AI IN JUDICIAL DECISION MAKING:

The use of AI has its own advantages as these programs can work efficiently and are more time-saving and more cost-effective than humans. An AI program mainly performs a part of analytical function undertaken by the judges. Various document discovery programs make use of coding to read as well as to scrutinize large number of pages, research documents and is capable enough to select important text out of unnecessary, which an individual brain, is unable to analyze all or even most of the information at their disposal because of time constraint and other reasons. AI technologies may possibly help the Judiciary in prediction of legal outcomes.

CHALLENGES ASSOCIATED WITH THE USE OF AI TECHNOLOGY:

The only benefit associated with AI technologies is time saving and cost effective. Judging requires creativity along with the conceptual flexibility which is beyond the current scope of computing. Also, legal knowledge requires contextual undertaking, the IT experts does not have legal qualification or experience so the problem may arise in translating the law into various

codes. These codes are required to be updated regularly due to frequent changes, amendments made by the legislatures, various new case decisions and complex provisions. Thus, by introducing the AI technique has its impact on the judiciary and it may result in loss of responsiveness judging. It is found in various researches conducted, that AI is not a complete remedy to human failures. It helps to make things better, though. By means of AI in courtrooms doesn't mean letting the machine do the entire job of judging. The aim is to help humans with AI techniques working together with technical neutrality and human experience.

JUDICIAL APPLICATION OF ARTIFICIAL INTELLIGENCE

To clarify this aspect of AI technology "how it can be applied in our Indian judicial system", we need to have a closer look at the Indian judicial mechanism and procedure that our judiciary follows. This technology can answer a litigant's question about the applicability of law in that particular case. Also, it could help the parties know their rights and make their claims. It would not be wrong to say that this technology is a fine method to analyze the quality of a legal claim and evidence. This technology can also provide guidance to people who don't have lawyers by informing them about the procedural requirements and by drafting the court documents for them. It could be a best way for active and intelligent case management. The uses of this technology by the Indian judicial system in three categories can be discussed as follows: a) Improving program and office management; b) Increasing access to assistance and information for advocates; and c) Improving client education, preventing legal problems, and assisting prospective litigants. Especially with AI offering more preventative, holistic support to litigants, it might have anti-poverty effects as well, ensuring that the legal system resolves people's potential life crises, rather than exacerbating them.

SOME EXAMPLES OF USE OF ARTIFICIAL INTELLIGENCE IN LEGAL FIELD

1. An Indian firm name Cyril Amarchand Mangaldas are now leveraging the power of AI for contract analysis and review by partnering with Canadian AI assistant Kira Systems.
2. Wusong Technology in China is working on digitizing the way Courts function using AI-enabled robotchatbot called "FaXiaotao" which offers users case analysis and helps them locate lawyers.

3. The Singapore based Wong Partnership also embraced AI technology from London based AI firm Luminance to support its corporate/M&A practice. The firm uses the technology for due diligence of M&A transaction documents and to highlight sections that required human review and intervention.
4. The Singapore office of Law firm Linklaters has been working with a software company, Eigen Technologies, to develop Nakhoda, an Artificial Intelligence (AI) program that uses natural language in which computers can recognize and respond to human language to read text contracts and documents such as NDAs.
5. Startups like CaseMine and NearLaw are trying to reinvent legal research by using Visual Search and the Case Ranking algorithm to show the most relevant cases quickly.

A MODERN APPROACH TO CREATE E-JUDICIARY BY THE WAY OF AI TECHNOLOGY

E-Governance is the key word in every department of life today which surely increases productivity, enhances transparency and accountability, reduces red tape and corruption in administration. Technological Developments in the field of information and introduction of computers have made a turning point in the history of human civilization. It has brought a huge change in all fields of human activity. It has resulted in enhanced efficiency, productivity and quality of output in every walk of life. The information technology has been advocated in the western countries for the last two or three decades. This scenario gained alarming thoughts to have technology combined in administration of justice in India as well.

Former President of India, DR. APJ Abdul Kalam, who himself is a technocrat had stated about introducing of technology in courts had stated that: - “Technology is definitely an essential element of change in all spheres of life. The human element involved also is an important factor. If technology is properly used, it can bring about tremendous changes for the betterment of life. Any change we contemplate is for speedy justice delivery mechanism keeping in focus the quality, transparency and public accountability.” An effort is being made to create a e-judiciary mechanism which somewhere seems attractive but requires huge research and experimentation before adoption.

OPINION OF THE PRESENT CJI ON AI TECHNOLOGY

“Artificial intelligence, as I see, brings new hope to drive the public faith to our institutions. One of the most transparent measures to adjudge performance is your ability to dispose of cases.”

-SA Bobde, Chief Justice of India

In 2019, the Supreme Court of India proposed to introduce the system of artificial intelligence technology in the Indian judicial system that would help in better administration of justice. Our present CJI, SA Bobde kept his opinion in front of everyone while addressing the constitution day function at Supreme Court. CJI said that they don't want to give an impression that this technology could ever replace the judges in judiciary, rather they had to look many aspects of this technology prior to the introduction and adoption of this technology of artificial intelligence as a mechanism to solve dispute and render judgments. He said that there is a possibility of developing the AI Technology for the Indian courts with a purpose of preventing unnecessary delay in the justice delivery system. He believes that this technology is a solution for the problem of backlog of cases. He also endorsed employing every talent and skill to ensure delivery of justice in a reasonable time.

"We must employ every talent, every skill we possess to ensure that justice is received within reasonable time. Delay in justice can't be a reason for anybody to take law into their hands. But it's very important for us as courts to ensure there's no undue delay in justice", he said.

Chief Justice of India SA Bobde underlined the need for artificial intelligence in the judicial system, especially in cases of repetitive nature and document management, to expedite the dispute resolution process. He, however, cautioned that AI cannot replace human discretion, which is necessary for a just decision making. He said that such technologies would help streamlining of cases while enabling better court management. The major issue of concern specified by CJI and other experts is that since the machines work on the basis of data fed, using such technologies in decision making process will end up sending wrong people to jail which would further be an abuse of process of law as well as an abuse of Indian Judicial System.

CONCLUSION:-

Thus, by involving co-robotics in decision making imposes a challenge to AI. The idea to retain human control while rendering the decision or to separate the human intervention is another

major challenge with the AI in Judiciary. So, by applying the right technology to the most important field of law i.e. Judiciary helps in providing better results. Developing efficient AI tools will make the judicial process faster, cheaper and at the same time more predictable without compromising the uprightness of judge's discretionary reasoning. Also, taking into account the other side of AI it will result in conflicts if the justice system failed in rendering value judgments with the help of AI. If we talk about the justice system specially, Artificial Intelligence possesses the capability to totally impact the way criminal and civil proceedings are witnessed and even decided. However, there exist several questions regarding its ultimate application, and the need to contemplate the right consequences of utilizing the technology.

On the whole, AI is working towards restoring society's faith in justice. Our Judicial System has dire need of an Artificial Intelligence-driven revolution. In future these upcoming systems of AI will assist the justice system completely. Hence, it is the need of an hour to assess the various aspects of AI in the field of Judiciary and to come up with the effective solutions for better application in decision making process.



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