

BALANCING THE SCALE: JUSTICE ASSISTED, NOT AUTOMATED

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ABSTRACT

The drive to introduce artificial intelligence to the judicial system will increase in the next few years. Nevertheless, as courts globally adapt to this technology, it is wise to recall the adage “justice hurried is justice buried.” As much as AI can accelerate legal proceedings, it is paramount that the quality and equity of justice are not sacrificed for the sake of efficiency. As technology progresses, there is a need to ensure that the pace of change does not undermine the public trust in the courts. AI can only act as a complement to the judicial system, not a replacement. It should be a facilitator to augment judicial work, not a replacement for human discretion. The article aims to explore the nuances that technological advancements, particularly in AI, will bring.

Keywords: Artificial Intelligence, Judiciary, Algorithmic Bias, and AI-Driven Legal System.

1. INTRODUCTION

We asked ChatGPT to write an opening paragraph of a judicial opinion about Donkey suing Horse

The output produced by ChatGPT is as follows...

In the matter of *Donkey v Horse*, the court is presented with a novel dispute between two species – each representing long-standing symbols of labor and endurance. The plaintiff, Donkey, asserts that Horse, a fellow member of the equine family, has engaged in conduct that violates Donkey’s rights, including unfair exploitation of public perception, unequal

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treatment in agricultural assignments, and a monopoly over competitive racing and showmanship. This case raises unique questions about the nature of fairness, recognition, and the division of duties among animals in the realm of public work and leisure, warranting careful consideration under principles of equity and justice.

This is a perfect example of generative artificial intelligence (AI). You only need to provide the necessary details or ask a question, and the algorithm is designed to automatically generate a response. Observing the reply provided by ChatGPT, one can see that the algorithm clearly distinguishes between a horse and a donkey. This clear distinction, along with some attributes regarding the species, is well incorporated in the output. The question that arises is how does an algorithm know there is a difference between a donkey and a horse. Does it draw this distinction from the information available on the internet (publicly available data such as websites, books in public domain, instructional papers and guides, academic papers and journals etc.), whether the data is already stored in its database (licensed datasets), or is it due to the way the algorithms are designed to generate the output (like code repositories)? Only the developers who created the program know the exact answer, but surely it is either one of these sources or a combination of all or a few of them. Another important question is how much one can rely on such systems, considering the possibility of incorrect data, wrong classifications, or misleading information, who would be held liable? As of now, no one has a certain answer to it.

What if judges use AI powered tools like ChatGPT, Sora, Grok or Gemini to help with their decisions, or if lawyers asked AI to generate arguments? In just a matter of seconds, they could get well-formed arguments in a much more efficient way. Is there anything wrong with this? We are not sure. Should judges use AI to aid in writing judgments? Why not? Is there any code that prohibits it? Perhaps not till now. Maybe some within the judicial fraternity are already using it. In this article, we aim to explore the question of how much one should rely on AI in such contexts.

It is difficult for many of us to fully understand the exact purpose of AI, what it can do, how it works, what it consists of, or how we can incorporate it into our existing neuro-functionality, all while accounting for different biases or notions and without losing our individuality as humans. There is a mix of thoughts and feelings about AI. Some predict that it is changing the very nature of our basic needs, encroaching upon aspects of our lives that were never meant to become part of the public sphere. Others are still

afraid of the substantial investments being directed toward advancing and adopting this technology. At times, it feels like there is no future, as machines seem poised to overpower us. We have all seen movies like *The Matrix*, *In Time*, or *RoboCop*, where fictional depictions of the past appear to echo the future. Perhaps the time has come to prepare ourselves for an unwarranted struggle between humans and machines.

Penning down our thoughts in 2025 coupled with fear and innovation, the trajectory on which the developers are working for the advancement of AI is far beyond our imagination. There is also a debate around the world on whether machines can take-over the roles and work of humans with the kind of intelligence they are gathering artificially or whether humans are irreplaceable. Consider the judiciary, where some propose replacing judges with AI systems capable of generating self-corrected, refined judgments automatically. However, concerns arise about the accuracy of such systems, as they might cite precedents from civil law jurisdictions in common-law contexts, risking legal inconsistencies. This also raises alarms about privacy, which increasingly feels like a fading aspiration, potentially eroding further as automation advances. In Australia, law enforcement agencies are deploying advanced high-tech cameras capable of detecting whether individuals in a moving vehicle are wearing seat belts, enhancing road safety enforcement. What we are witnessing is the remarkable growth of AI, which has started to impact the judiciary across the globe. The AI has advanced manifolds, to say the least in the robotic industry, banking and financial services, healthcare, sales, marketing, tourism, agriculture and more, the list is expanding every hour. According to *PWC* report, AI could contribute up to \$15.7 trillion to the global economy by 2030, more than the current output of China and India combined.¹

2. AI AND JUDICIARY – COURTS IN THE 21ST CENTURY

When it comes to judiciary the scope of AI still requires a deeper understanding, or, alternatively, whether presenting and arguing your case before AI would be equivalent to appearing before a judge? One often wonders about the future of AI in the Judiciary and how AI could be of any help when it comes to dispensing judicial work. Does our existing judicial infrastructure have any space for the AI technology to fit in? From an outsider's perspective, integrating AI into the judicial system appears

1. Pwc, Sizing the Prize What's the Real Value of AI for Your Business and How Can You Capitalise? <<https://www.pwc.com/gx/en/issues/analytics/assets/pwc-ai-analysis-sizing-the-prize-report.pdf>> (last visited 2 January 2025).

quite challenging. With each High Court following its own set of rules and procedures, leaving very limited room for AI to step in. This represents one school of thought. The other school of thought believes that AI should be made a part of the judiciary and are actively exploring ways to make it work within the legal system. In the current Indian context, there seems to be a constant race among various courts to adopt technology at different stages. While this push is necessary given today's needs, it still lacks a sense of nationwide digital uniformity in India.

3. RETHINKING INTELLIGENCE IN THE AGE OF MACHINES

Before we get into the nuances of AI vis-à-vis judiciary. One must get acquainted with what is AI and its scope. The term artificial intelligence was coined at Dartmouth in the year 1956 where a small group of scientists had gathered for the Dartmouth Summer Research Project on Artificial Intelligence which was the birth of this field of research.² However, prior to 1956, it was a British Mathematician Alan Turing who published an article titled “Computing Machinery and Intelligence” and asked a question: Can machines think? Proposing an experiment which came to be known as the Turing Test.³ Thereafter, John McCarthy in 1965 coined the term “Artificial Intelligence” and drove the development of first AI programming Language, LISP in the 1960's.⁴ Over the years, AI has progressively expanded its presence across multiple domains, including the realm of judiciary. A deeper exploration into the field of artificial intelligence reveals that it is generally categorized into three types: narrow AI, strong AI, and super intelligent AI. However, in Indian courts, the advancement of AI is limited to automated content review, legal research, transcription and process re-engineering. Unlike the United States who have developed a software called Correctional offender Management Profiling for Alternative solution (COMPAS) based on the algorithms used across USA to predict recidivism. To understand how different jurisdictions around the world have integrated AI into their judicial systems, the following table presents a comparative overview of various AI models adopted by different countries.

2. ‘Artificial Intelligence Coined at Dartmouth’ *Dartmouth College* <<https://home.dartmouth.edu/about/artificial-intelligence-ai-coined-dartmouth>> (last visited 23 January 2025).

3. Lawrence Livermore National Laboratory, ‘The Birth of Artificial Intelligence (AI) Research’ <<https://www.llnl.gov/>> (last visited 23 January 2025).

4. Dartmouth, ‘Keywords for AI Literacy’ <[https://writing.dartmouth.edu/teaching/ai-literacy/keywords-ai-literacy/#~:text=Artificial%20Intelligence%20\(AI\):%20Coined,that%20a%20machine%20can%20be](https://writing.dartmouth.edu/teaching/ai-literacy/keywords-ai-literacy/#~:text=Artificial%20Intelligence%20(AI):%20Coined,that%20a%20machine%20can%20be)> (last visited 2 February 2025).

4. COMPARATIVE MODELS: AI INTEGRATION IN JUSTICE SYSTEMS WORLDWIDE

Country	Start Date	AI Tools	Description/Notes
Australia ⁵	Early 1990s	Split-Up System	Predictive analytics for family law property disputes; uses rules-based reasoning and neural networks. Still in use as of 2023.
Brazil ⁶	2018–2020	ATHOS, LARRY, AMON, Unnamed Chatbots	ATHOS automates appeals (Superior Court); LARRY groups cases; AMON uses facial recognition; chatbots for HR tasks. Widespread by 2022.
China ⁷	2017–2018	Intelligent Trial 1.0, Internet Court Systems (Unnamed)	Intelligent Trial 1.0 digitizes filings and assigns cases.
Colombia ⁸	2023	ChatGPT (Experimental)	ChatGPT used experimentally in 2023; Constitutional Court issued AI guidelines in 2024. Training tools in development.
France ⁹	2018	Predictive Justice Tools (Unnamed)	Experimental use in civil/criminal courts for case analysis; restricted to auxiliary roles due to 2019 law.
Germany ¹⁰	2020	OLGA, Frauke	OLGA categorizes cases (Stuttgart); Frauke automates air passenger rights lawsuits (Frankfurt). Reduces backlog significantly.

5. Zeleznikow, J, Stranieri, A and Gawler, M, 'Project Report: Split-Up — A Legal Expert System Which Determines Property Division Upon Divorce' (1995) 3 *Artif Intell Law* 267-275.
6. 'Project Maps Artificial Intelligence Systems Used by Brazilian Judiciary' <<https://portal.fgv.br/en/news/project-maps-artificial-intelligence-systems-used-brazilian-judiciary>> (last visited 24 January 2025).
7. J Wu, 'AI Goes to Court: The Growing Landscape of AI for Access to Justice' <<https://medium.com/legal-design-and-innovation/ai-goes-to-court-the-growing-landscape-of-ai-for-access-to-justice-3f58aca4306f>>.
8. UNESCO, 'AI in the Courtroom: Colombian Constitutional Court's Landmark Ruling Cites UNESCO's AI Tools' <<https://www.unesco.org/en/articles/ai-courtroom-colombian-constitutional-courts-landmark-ruling-cites-unescostools#:~:text=Summary&text=The%20decision%20was%20prompted%20by,exempt%20from%20paying%20the%20fees>> (last visited 24 February 2025).
9. Simone Benvenuti and Sirio Zolea, 'European Courts and Predictive Justice: A Feasible Symbiosis?' (2023) 1(1) *Opinio Juris in Comparatione*.
10. Antonia Hösch, Megan Schrader and Pierre G Zickert, 'The Evolving Role of AI in German Dispute Resolution' <<https://hengeler-news.com/en/articles/the-evolving-role-of-ai-in-german-dispute-resolution>> (last visited 14 February 2025).

Country	Start Date	AI Tools	Description/Notes
Singapore ¹¹	2024	Harvey AI (Customized System)	Tailored generative AI for legal research and claim valuation; two-year development started in 2024.
United Kingdom ¹²	2018	Unnamed Predictive Tools, AI Judicial Guidance Tools	AI for case management and legal research; 2023 guidance limits public AI tool use (e.g., ChatGPT).
United States ¹³	2013	COMPAS & Unnamed Defender Tools	COMPAS for sentencing risk (2013)

The global adoption of AI tools in judicial systems present a diverse landscape, with some tools venturing into the realm of adjudication while most focus on enhancing the administration of justice through assistance and technological innovation. Notably, in 2023, a Colombian court experimentally used ChatGPT to draft a ruling, prompting the Constitutional Court of Colombia to issue a landmark ruling in 2024.¹⁴ This ruling established stringent criteria for the use of AI in judicial decisions, emphasizing: transparency, accountability, privacy, non-substitution of human rationality, reliability with constant checks, risk prevention, promotion of equality and fairness, ethical regulation, continuous monitoring, and suitability. This milestone underscores the principle that AI must not replace human judgment rather, be subject to rigorous scrutiny when used by judges in writing judicial opinions. Thus, ensuring the paramount importance of human oversight.

The much talked about COMPAS software which is developed by Northpointe incorporation USA is a topic for discussion not only in USA but across the globe. The use of AI in sentencing is widespread and increasingly accepted in the United States. It is pertinent to note that many

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11. 'Small Claims Tribunals to Roll Out AI Program to Guide Users Through Legal Processes' *The Straits Times* <<https://www.straitstimes.com/singapore/small-claims-tribunal-to-roll-out-ai-program-to-guide-users-through-legal-processes>> (last visited 14 February 2025).
 12. Courts and Tribunals Judiciary, Artificial intelligence (AI) <<https://www.judiciary.uk/wp-content/uploads/2023/12/AI-Judicial-Guidance.pdf>> (last visited 13 February 2025).
 13. Engel, C, Linhardt, L and Schubert, M, 'Code is Law: How COMPAS Affects the Way the Judiciary Handles the Risk of Recidivism' (2024) *Artif Intell Law* <<https://doi.org/10.1007/s10506-024-09389-8>>.
 14. Corte Constitucional (C.C.) (Constitutional Court), Sentencia T-323/24, 16 August 2024 (Colom.) <<http://www.corteconstitucional.gov.co.>> (last visited 26 February 2025).

of the western countries are using some or the other type of Identifying Risk Assessment Instruments in Correctional Settings such as Correctional Assessment and Intervention System (CAIS),¹⁵ Dynamic Factors Intake Assessment (DFIA),¹⁶ Inventory of Offender Risks, Needs, and Strengths (IORN),¹⁷ Offender Group Reconviction Scale (OGRS),¹⁸ Statistical Information of Recidivism Scale (SIR),¹⁹ Static Risk and Offender Needs Guide (STRONG),²⁰ Wisconsin Risk and Needs (WRN)²¹ and Wisconsin Risk and Needs-Revised (WRN-R)²² and many more. The proprietor software often does not disclose the modalities through which the outcome is finally generated. It is difficult to find out how the algorithm is designed and how it works. Nonetheless a practitioner's guide²³ to COMPAS Core was released by Northpointe incorporation in the year 2015 which provides an overview for the user for its validity and reliability. Many have flagged issues with regard to its functioning and pointed out that it led to unfair interpretations coupled with algorithm bias but, were countered by Northpointe. The situation was escalated further when the matter reached the Wisconsin Supreme Court in *State v Loomis*.²⁴ The court upheld the

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15. Heeder, Eden, 'Off Risking: Offender Risk Assessment and the Correctional Assessment and Intervention System' (2012) Graduate Student Theses, Dissertations, & Professional Papers 714.
 16. Motiuk, L L, & Keown, L A, 'Correctional Intake Assessment and Case Planning: Application Development and Validation' 48(4) Criminal Justice and Behavior 556-570 <<https://doi.org/10.1177/0093854820974403>> (Original work published 2021).
 17. Holly A Miller, 'The Inventory of Offender Risk, Needs, and Strengths (IORN)' <<https://doi.org/10.1002/978119184256.ch5>> (last visited 26 February 2025).
 18. NCJRS Virtual Library, 'Predicting Reconvictions for Sexual and Violent Offences Using the Revised Offender Group Reconviction Scale' <<https://www.ojp.gov/ncjrs/virtual-library/abstracts/predicting-reconvictions-sexual-and-violent-offences-using-revised>> (last visited 21 February 2025).
 19. Olver, M, 'Statistical Information on Recidivism (SIR)' in The SAGE encyclopedia of criminal psychology vol 4 (2019) 1460-1462. SAGE Publications, Inc. <<https://doi.org/10.4135/9781483392240.n473>> (last visited 2 March 2025).
 20. Zachary Hamilton, Alex Kigerl, Baylee Allen, John Ursino and Amber Krushas, 'Never Going to Let You Down: Preventing Predictive Shrinkage via the STRONG-R Assessment Method' Justice Quarterly, DOI: 10.1080/07418825.2024.2386637.
 21. Nathan James, Risk and Needs Assessment in the Criminal Justice System, Congressional Research Service, https://www.everycrsreport.com/files/20150724_R44087_0c47cc191ecc982888fa182c82ef0099a86eca8d.pdf, (last visited 21 February 2025).
 22. *ibid.*
 23. Northpointe, 'Practitioner's Guide to COMPAS Core' <<https://archive.epic.org/algorithmic-transparency/crim-justice/EPIC-16-06-23-WI-FOIA-201600805-COMPASPractitionerGuide.pdf>> (last visited 27 February 2025).
 24. 881 NW2d 749 (2016).

working of COMPAS and subsequently, the SCOTUS rejected the writ of certiorari filed by Loomis in the matter.

5. CHALLENGES OF ALGORITHMIC BIAS AND ACCOUNTABILITY

For a clearer insight into how the COMPAS software functions, it is helpful to examine the types of questions that are posed before the data is processed. The Northpointe incorporation prepared a questionnaire asking details on various points from the person concerned. A selection of sample questions is provided below to illustrate the range used in risk assessment analysis. The table below is indicative to offer valuable insights to the readers.

Risk Assessment – Sample questions ²⁵		
Criminal History	Exclude the current case for these questions	<ul style="list-style-type: none"> • How many times has this person been arrested before as an adult or Juvenile (Criminal arrests only) • How many times has this person been sentenced to jail for 30 days or more? • How many type has this person been sentenced to probation as an adult?
Non-Compliance	Include the current case for these questions	<ul style="list-style-type: none"> • How many times has this person violated his or her parole? • How many times has this person been returned to custody while on parole? • How many times has this person’s probation been violated or revoked? • How many times has this person failed to appear for a scheduled criminal court hearing?
Family Criminality	The next few questions are about the family or caretakers that mainly raised you when growing up.	<ul style="list-style-type: none"> • Which of the following best describes who principally raised you? • If you lived with both parents and they later separated, how old were you at the time? • Was your father/mother (or father/mother figure who principally raised you) ever arrested, that you know of? • Were your brother /sister/wife/husband/partner ever arrested, that you know of? • Did your parent or parent figure who raised you ever have a drug or alcohol problem? • Was one of your parents(or parent figure who raised you) ever sent to jail or prison?

25. COMPAS Risk Assessment — FUSL000112 (2019-06-27)” (2022). Parole Information Project <<https://ir.lawnet.fordham.edu/compas/29>>.

Risk Assessment – Sample questions ²⁵		
Peers	Please think of your friends and the people you hung out with in the past few (3-6) months	<ul style="list-style-type: none"> • How many of your friends/acquaintances have ever been arrested? • How many of your friends/acquaintances served time in jail or prison? • Have you ever been a gang member?
Substance Abuse	What are your usual habits in using alcohol and drugs	<ul style="list-style-type: none"> • Do you think your current/past legal problems are partly because of alcohol or drugs? • Did you use heroin, cocaine, crack or methamphetamines as a juvenile?
Residence/ Stability	-	<ul style="list-style-type: none"> • How often do you have contact with your family (may be in person, phone, mail) • How often have you moved in the last twelve months? • How long have you been living in that community or neighborhood? • Do you live alone or with friends?
Social Environment	Thinking of the neighborhood where you lived during the past (3-6) months	<ul style="list-style-type: none"> • Is there much crime in your neighborhood? • Is it easy to get drugs in your neighborhood? • Are there gangs in your neighborhood?
Education	Think of your school experiences when you were growing up	<ul style="list-style-type: none"> • Did you complete your high school diploma or GED? • What were your usual grades in high school? • Were you ever suspended or expelled from school? • How often did you have conflict with teachers at school?
Vocation (Work)	Please think of your past work experiences, job experiences, and financial situation.	<ul style="list-style-type: none"> • Do you have a job? • Have you ever fired from a job? • About how many times have you been fired from a job? • How often do you have conflicts with friends/family over money? • How often do you worry about financial survival?
Leisure/ Recreation	Thinking of your leisure time in the past few (3-6) months, how often did you have the following	<ul style="list-style-type: none"> • How often did you feel you have nothing to do in your spare time? • Do you often become bored with your usual activities? • Is it difficult for you to keep your mind on one thing for a long time?

Risk Assessment – Sample questions ²⁵		
Anger	-	<ul style="list-style-type: none"> • I get into trouble because I do things without thinking? • If people make me angry or lose my temper, I can be dangerous?

The COMPAS software and the algorithm it uses sparked significant controversy across the United States, drawing attention to issues of racial bias in the criminal justice system. In 2014, then U.S. Attorney General Eric Holder expressed concerns that risk assessment scores might be introducing bias into court decisions. He urged the U.S. Sentencing Commission to investigate their use, stating:

Although these measures were crafted with the best of intentions, I am concerned that they may inadvertently undermine our efforts to ensure individualized and equal justice. By basing sentencing decisions on static factors and immutable characteristics – like the defendant’s education level, socioeconomic background, or neighborhood – they may exacerbate unwarranted and unjust disparities that are already far too common in our criminal justice system and in our society.²⁶

While these concerns highlight how the COMPAS software functions, the specific algorithm behind its risk assessment remains undisclosed, presumably a trade secret of Northpointe Incorporated. The question of whether such proprietary tools could be fairly used in criminal sentencing remains open for debate and may ultimately require a ruling by the U.S. Supreme Court again. Fortunately, Indian courts have thus far refrained from adopting such AI-based decision-making tools. Rightly so, they continue to place their trust in human reasoning rather than automated algorithms.

6. CAUTIOUS BUT COMMITTED: INDIA’S APPROACH TO AI IN JUDICIAL SYSTEM

In our opinion AI is best suited for the administration of justice rather than the dispensation of justice. This distinction is essential to ensure that technological advancements enhance administrative efficiency such as case and court management without encroaching on the adjudicatory process. By doing so, we can bolster public confidence and trust in the

26. Eric Holder, U.S. Attorney Gen., Speech at the National Association of Criminal Defense Lawyers 57th Annual Meeting and 13th State Criminal Justice Network Conference (1 August 2014).

justice system. To date, the Indian Supreme Court and High Courts have effectively integrated technology in a way that prioritizes the needs of litigants and lawyers through streamlining administrative tasks. For instance, the Supreme Court of India (SCI) has utilized an AI powered tool i.e. Supreme Court Vidhik Anuvaad Software (SUVAS) extensively to translate 36,271 judgments into Hindi and 17,142 into sixteen other regional languages by August 2024.²⁷ Additionally, the court is working on streamlining registry processes, using AI to assist with the formatting and sorting of judicial records, and to identify defects in petitions. Furthermore, the Supreme Court has introduced an e-filing service that provides a unified platform for electronically submitting cases, including complaints, written statements, replies, and applications, applicable to both civil and criminal cases across all High Courts and District Courts. This bilingual service (in English and local languages) ensures accessibility for a wider audience, including advocates and litigants. It is also relevant to note that the SCI is also planning to introduce an AI tool known as AI Saransh developed by National Informatics Centre to generate summary of pleadings. It is a technique that shortens a long piece of content with main points outlined that gives an idea of the whole content. The court also used live transcription tool by TERES, which is an AI driven engine to translate court arguments into text during live proceedings. Some other AI powered tools which are either used or are in process of being integrated in the Indian courts include SUPACE, AI Shruti, AI for user assistance and chatbots, AI assisted filing and court procedures and automated case management tools.

The former Chief Justice of India, Dr Justice DY Chandrachud emphasized that Artificial Intelligence (AI) can significantly enhance the efficiency of the legal profession. Speaking at the inaugural address of a two-day National Conference on “The Landscape of Technology in Courts in India and the Way Forward” at the Chandigarh Judicial Academy, the CJI highlighted the transformative impact of technology on the legal field.²⁸

“Sophisticated legal argumentation continues to remain in the exclusive realm of human lawyers. However, several routine tasks such as case law research, filing of pleadings, reviewing contracts, and conducting due diligence can deeply benefit from

27. Ministry of Law and Justice, Artificial Intelligence in Judiciary, <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2043476>> (last visited 27 April 2025).

28. Dr Justice DY Chandrachud, Former Chief Justice of India, Speech at Chandigarh Judicial Academy (10 August 2024).

artificial intelligence and automation. In fact, relegating such tasks to artificial intelligence leaves lawyers with more time and bandwidth. They can focus their time on high-value activities such as legal strategy, innovative argumentation and personalized client services,” said CJI.

This highlights how Indian Courts are thoughtfully using AI to ease the burden of administrative tasks like transcription, summarisation of pleadings, language translation, court and case management, while making it clear that the final decisions in a courtroom must remain with human judges.

7. GLOBAL ADOPTION OF AI IN COURTS

Countries like Latvia, Netherlands and Germany are also exploring the possibilities of machine learning (AI) for the administration of justice. The main purpose is to process court statistics to draw up provisional estimates of human and financial resources for allocation. In Germany, the courts initially struggled to manage the high volume of cases due to a lack of technology, relying heavily on manual and repetitive work. To address this, the Ministry of Justice in Baden-Württemberg recommended the adoption of AI tool with Natural Language Understanding (NLU) to assist in categorizing cases into various groups.²⁹ With the introduction of an AI assistant named OLGA, which offers case categorization, extracts metadata, and facilitates quicker resolutions, judges are now relieved from repetitive tasks.³⁰ This allows them to focus on more complex issues. Courts have also reported that the case processing time has potentially reduced. These examples illustrate how courts are adopting AI in administrative capacities, carefully avoiding interference in the adjudicatory process.

In England, there is a dedicated online Traffic Penalty Tribunal (TPT)³¹ which decides motorists’ appeals against Penalty Charge Notices (PCNs), issued by local and charging authorities in England (outside London) and Wales, for parking and traffic contraventions. All you need is Notice of Rejection (NoR) of Representations letter, PCN number, vehicle registration

29. IBM, ‘Judicial Systems are Turning to AI to Help Manage Vast Quantities of Data and Expedite Case Resolution’ <<https://www.ibm.com/case-studies/blog/judicial-systems-are-turning-to-ai-to-help-manage-its-vast-quantities-of-data-and-expedite-case-resolution>> (last visited 30 April 2025).

30. *ibid.*

31. The Traffic Penalty Tribunal (TPT) England & Wales, <<https://www.trafficpenaltytribunal.gov.uk/funding-and-legislation/>> (last visited 30 April 2025).

mark and pin code to complete the registration process. After that a new portal will open where one can upload his/her documents including photos, scanned paper and social media message form the smart phone. All this can be done without visiting court or without getting any assistance from lawyers. This is a streamlined way of handling court dockets wherein the litigant reachability could be achieved through online modes with a hassle-free dispute resolution mechanism. In this entire process the adjudication is not handed over to a machine or any kind of algorithm based software. It remains with human minds and the role of machine is over once the application is filled and duly submitted.

On the contrary European Commission for the Efficiency of Justice (CEPEJ) has formally adopted the five fundamental principles entitled European Ethical Charter on the use of AI in the judicial systems and their judicial environment. In the process of integrating AI into judicial decision-making, European Council member states may refer to these EU principles to uphold ethical standards in the use of AI. These principles include respect for fundamental rights, non-discrimination, quality and security, transparency, impartiality and fairness, and the principle of “under user control.” They are primarily aimed at ensuring transparency and upholding the rules necessary to guarantee a fair trial.³² The implementation of these principles will undoubtedly encourage developers to identify and address ethical concerns relating to bias and respect for fundamental rights. Moreover, it is essential that the process by which machines reach to a final outcome, remains transparent, impartial, and firmly rooted on the principle of equality, an aspect which must not be compromised in algorithm design.

One country that often goes unnoticed but is making significant progress in private court proceedings is the Netherlands.³³ The debt collection proceedings in Netherlands, is conducting and delivering judgments without involvement of a human judge. In China the integration of AI into the courts is extensive. Last year a court in Kunshan, Jiangsu Province generated a rough draft of the decision with the aid of AI and subsequently

32. European Commission for the Efficiency of Justice (CEPEJ), ‘CEPEJ European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and Their Environment’, adopted at the 31st plenary meeting of the CEPEJ (Strasbourg, 3-4 December 2018) <<https://www.coe.int/en/web/cepej/cepej-european-ethical-charter-on-the-use-of-artificial-intelligence-ai-in-judicial-systems-and-their-environment>> (last visited 27 April 2025).

33. Willemien Netjes & Arno R. Lodder, ‘e-Court – Dutch Alternative Online Resolution of Debt Collection Claims - A Violation of the Law or Blessing in Disguise?’ (2019) 6(1) *International Journal of Online Dispute Resolution*.

the judge made a few changes in the draft and pronounced the judgment. It was also reported that the Supreme People's Court, the highest court in China, is now planning to equip all the courts with AI by next year. In Japan the Supreme Court Chief Justice Saburo Tokura while addressing the press conference at constitution Day said that "it is still totally unacceptable to use generative AI to make court decisions" and opposed the use of AI in trials.³⁴ Nonetheless the use of AI comes with a wide range of challenges including transparency, accountability and biased decision taken by AI based on Algorithms which needs to be addressed on priority.

8. REIMAGINING JUDICIAL ROLES IN AN AI-DRIVEN LEGAL SYSTEM

Whenever the role of AI in the legal system is discussed, a fundamental question that often arises is whether AI will eventually substitute judges. To counter this paradoxical question, one can look into the distinction between replace and assist. The term 'replace' would mean to substitute something with another while 'assist' would mean to supplement, and not supplant, i.e. in aid of. Understanding these two terms would lead to an answer on the scope of AI in the judiciary. Undoubtedly, in our opinion we can make use AI for assistance but should not think of replacing it with judges.

In 2015, the United Kingdom witnessed an incident that became a point of discussion wherein thousands of couples who had settled their divorce proceedings had to reopen negotiations. This was due to a significant flaw discovered in the software used to calculate financial terms. Subsequently, His Majesty's Courts and Tribunals Service (HMCTS) had to investigate into the reason for such technical error to sustain so long without being noticed. This is to highlight that, it is imperative to undertake a detailed study of the AI powered tool before integration to identify the pros and cons attached with it. As long as technology serves to assist and supplement the court while a judge remains at the forefront of proceedings, the risk of technological failure remains low, and the integrity of the judicial institution is preserved even as it adopts modern tools to enhance the administration of justice.

For instance, The Wright brothers, Orville and Wilbur Wright, renowned for inventing airplane, never envisioned autopilot during their pioneering journey in aeronautics. From grappling with lift-generating wings to

34. 'Japan's Top Court Opposes Using AI in Trials' *The Japan News* <<https://japannews.yomiuri.co.jp/science-nature/technology/20240806-202833/>> (last visited 27 April 2025).

tackling complex aerodynamics and control challenges, they likely never imagined the concept of autopilot, now so prevalent. However, even today since 1912 when auto-pilot was first designed, pilots remain indispensable for critical tasks like take-off, navigating turbulence, altitude adjustments, coordinating with air traffic control, and landing. The notion of replacing pilots with highly advanced AI seems far-fetched. Similarly, in the realm of judiciary, the process of crafting judgments, listening to arguments, and delivering verdicts mirrors the precision and skill required in landing an aircraft safely. Thus, such critical task of whether landing an airplane or dispensing justice where human intelligence is required as per the need of the situation can never be replaced by machines over man but, can only be complemented. The delegation of such a critical task from human to machine should be approached with extreme caution, if at all.

Imagine a situation where AI wants to write a dissenting opinion, will it be achievable? Is it possible to create an algorithm capable of comprehending fundamental rights such as privacy, equal treatment, and fair trial just how the judges have interpreted? While discussing this aspect with some judges one of them raised a question that whether AI can give a dissent or a differing opinion when presented with similar facts, evidence etc., to which it was answered that AI can only respond based on the facts given to it giving multiple responses on similar lines but might not be in a position to give a differing opinion. This was even practically tried wherein similar facts were given to different AI tools and the response generated by each one of them were similar and not differing. This is where one must ponder over the role of humans while dealing with the AI powered tools & machines. The response of AI is based on the way information is provided, whether the facts presented to the AI are unbiased or otherwise is something to be looked upon. The extent of AI's application is yet to be fully uncovered but it comes with a word of caution that while relying on technology one must not compromise human intellect, particularly the ability to reason and to question every fact. It is equally important to emphasize that there is something called behavioural profiling that is currently being tested in many countries which involves predicting the behaviour of individual judges. However, this behaviour profiling is prohibited in France, but the US is extensively working on this. Such advanced use of AI is yet to reach the Indian courts.

In the year 2023, the High Court of Punjab and Haryana in *Jaswinder Singh v State of Punjab*,³⁵ has made an unprecedented reference to ChatGPT

35. 2023 SCC OnLine P&H 2587.

wherein a question was put forth to understand the jurisprudence on bail when the assailant is assaulted with cruelty. The response generated by ChatGPT which is an Open AI software was made part of the judgment with a note of caution that any reference to ChatGPT and any observation made therein above is neither an expression of opinion on the merit of the case nor shall the trial court advert to these comments. This reference is only intended to present a broader picture on bail jurisprudence, where cruelty is a factor.

*Subsequently, the Manipur High Court in Md Zakir Hussain v State of Manipur*³⁶ while dealing with a matter concerning the service conditions of Village Defence Force (VDF) did some extra research through Google and ChatGPT 3.5 to collect important information regarding VDF. The response provided by the ChatGPT is incorporated in the judgment. These instances reflect how Indian courts have underscored the assistive role of AI in the judicial process, while consciously avoiding its use as a substitute in decision making.

Recently in *Vijendra Singh Sikarwar v State of M.P.*³⁷ the Bench raised some thoughts for consideration which are summarised below:

- Under the Bhartiya Nagrik Suraksha Sanhita (BNSS), videography of the crime scene for the offences which are punishable for more than seven years is mandatory. Therefore, whether any protocol for various steps for recording the scene of crime can be conceptualized to gather important information with the help of Law Enforcement or Investigating Agency. Whether AI powered application can be created to analyse the videography data so recorded, to give necessary clues/ indications to the Investigating Officer to investigate the case in a particular direction or in respect of particular person whose evidence is left at the scene of crime.
- Whether another AI enabled application can be conceptualized which can interpret sign language of Persons with Disability (PWD) so that whenever any such victim or complainant comes to the Police Station for registering a complaint, the application would facilitate interpretation for the concerned Police Officer to understand the plight of the complaint/ victim.

36. 2024 SCC OnLine Mani 172.

37. 2023 SCC OnLine MP 3129.

The above observations made by the court are areas wherein there is a need for assistance of AI and also provides a cue for a developer to design an AI-powered application to assist the investigating agency, ensuring compliance with legal standards, ethical considerations, and the protection of individual rights.

9. CONCLUSION

This brings us to our conclusion on whether AI can replace judges in certain selective cases, while still retaining their essential role in the judicial process, or, can we completely rule-out and ignore the use of AI in this era of Technology. In many countries the shift from man to machine is becoming a reality starting from small claims like disputes between tenant and landlord or fine for traffic violations or motor accident compensation. The partial visibility of AI in decision making is becoming a reality in cases which do not require any interpretation of law or do not involve any legal complexities. For example, in the year 2019 the Estonian Ministry of Justice, in conjunction with Estonia's Chief Data Officer, have developed and piloted an AI software to hear and decide on small claims disputes of amounts less than 7000 euros. This triggered many other countries to at least run a prototype in the pursuit of speedy justice. Since traffic violation cases do not require any application of mind, mere fixation of the amount could be automated and generated with the help of AI powered tools. In India also many High Courts have developed individually or with the help of National Informatics Centre (NIC) a software to provide a rough estimate of the compensation amount in Motor Accidents Claim (MACT) cases. But, the amount generated by the software is not final and may be considered by the judge while computing the compensation amount. However, in China, they have advanced further, developing a software to use AI into criminal cases as well. It is reasonable to argue that the advancements in China should remain within its borders to prevent the misapplication of AI and thereby promote global justice administration.

It can be said that as AI is beginning to make its way into the courtrooms, its integration brings both remarkable opportunities by offering new ways to improve efficiency and support the work of judges alongside numerous ethical challenges. While these tools can be incredibly helpful to enhance efficiency, support legal research, and even assist in preliminary assessments, they are not and should not be a replacement for the human judge who interprets and applies the law. Courts are not mere processors of data; they are institutions of justice, fairness, and human values. The irreplaceability of judges lies in their ability to interpret the

law in context, weigh moral complexities, and deliver reasoned, empathetic decisions grounded in human experience. These qualities are essential in making decisions that affect real lives. AI, for all its capabilities, cannot feel compassion, lacks consciousness, accountability or grasp the full weight of human circumstances. That is why the goal should not be to replace judges with machines but to give judges better tools. The future of AI in the judiciary should not be about substitution but augmentation. A partnership where AI serves as a powerful tool in the hands of human judges, enhancing but never overshadowing their role. To make this work, we need clear ethical standards and ongoing oversight to ensure that AI remains a tool and not a decision-maker. In the end, justice must remain a human responsibility, guided by technology but grounded in the values that only people can uphold.