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ANALYSIS**

TOPIC

***AI IN JUDICIARY: BALANCING
EFFICIENCY WITH CONSTITUTIONAL
RESPONSIBILITY***

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Context

- The launch of 'Su Sahay', linked to the 'One Case One Data' initiative, highlights AI's growing role in improving judicial accessibility and efficiency, even as courts are increasingly dealing with issues like deepfakes, misinformation, and data privacy.

About AI in Judiciary

- Artificial Intelligence refers to computer systems capable of performing tasks that usually require human intelligence, such as language processing, data analysis, prediction, and decision support.
- In the judiciary, AI is primarily being used as an **assistive technology** rather than a replacement for judges.
- It **helps in legal research and case-law search**; translation of judgments into regional languages; case management and scheduling; speech-to-text transcription; drafting assistance and summarisation; e-filing and virtual court systems.
- Judicial work often requires courts to **protect minorities against majoritarian impulses**, balance liberty with security, and interpret constitutional values dynamically.
 - ♦ AI, being pattern-based and predictive, may struggle in situations requiring moral reasoning and contextual interpretation.

Key Concerns and Challenges

- **Threat to Judicial Reasoning:** The **algorithmic shaping of judicial reasoning** is a major concern.
 - ♦ Excessive reliance on AI-generated summaries and drafts may lead to standardised and shallow reasoning, decline in reflective legal writing, and reduced intellectual engagement by judges and lawyers.
- **False Citations:** Generative AI systems are known to fabricate judgments and legal precedents with confidence.
 - ♦ Such inaccuracies can mislead courts, pollute legal databases, and increase the burden of verification.
 - ♦ AI may create new layers of scrutiny instead of reducing workload.
- **Bias and Lack of Transparency:** AI systems learn from historical data, which may contain social biases, discriminatory patterns, and institutional prejudices.
 - ♦ Opaque algorithms raise concerns regarding accountability, explainability, and fairness in judicial outcomes.
- **Privacy and Data Security:** Court records contain highly sensitive personal information. Feeding such data into AI systems raises concerns regarding **right to privacy (recognized in Puttaswamy judgment), data misuse, and cybersecurity vulnerabilities**.
- **Constitutional and Ethical Concerns:** Justice involves empathy, morality, and contextual understanding. AI lacks human experience, moral responsibility, and democratic accountability.
 - ♦ AI systems cannot publicly justify or defend decisions unlike judges.

Key Reforms and Initiatives Related to AI in Judiciary

- **e-Courts Mission Mode Project:** It is a digitisation initiative under the National e-Governance Plan that was launched under the Department of Justice, focuses on digitisation of court records, e-filing, and virtual hearings.
 - ♦ Phase III aims at creating a 'smart judiciary'.
- **Supreme Court Vidhik Anuvaad Software (SUVAS):** AI-based translation tool for converting judgments into regional languages.

- **Supreme Court Portal for Assistance in Court's Efficiency (SUPACE):** Assists judges in legal research by identifying relevant facts and precedents.
- **One Case One Data Initiative:** Standardises judicial data management across courts.
 - ♦ **Su Sahay Chatbot** provides litigants and lawyers easier access to judicial information.
- **National Judicial Data Grid (NJDG):** Real-time database tracking pendency and case disposal. It enhances transparency and policy planning.
- **Digital India and IndiaAI Mission:** Broader digital governance initiatives supporting AI integration in public institutions.

Way Forward: Suggested Measures for Strengthening AI in Judiciary

- **Keep AI Strictly Assistive:** AI should support administrative efficiency but must not replace judicial reasoning or constitutional interpretation.
- **Human Oversight and Accountability:** Final responsibility for judgments must remain with judges. Human review should be mandatory in all AI-assisted processes.
- **Algorithmic Transparency:** AI systems used in courts should be explainable, auditable, and transparent to litigants and institutions.
- **Robust Data Protection Framework:** Sensitive judicial data must be protected through encryption, secure storage, and compliance with data protection laws.
- **Capacity Building and Training:** Judges, lawyers, and court staff must be trained in AI literacy, verification practices, and ethical use of technology.
- **Independent Regulatory Standards:** India should develop judicial AI guidelines focusing on ethical safeguards, bias mitigation, and constitutional compliance.

Daily Mains Practice Question

[Q] Artificial Intelligence can improve judicial efficiency, but constitutional responsibility and judicial reasoning must remain human. Discuss in the context of increasing integration of AI in the Indian judiciary.

Source: TH

