



# Generative AI applications in Indian Judiciary

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**Abstract:** This study has been undertaken to investigate the Generative AI applications in Indian Judiciary. A detailed study as a technocrat & lawyer working in Mumbai High Court, India for various cases in Intellectual Property Rights, Cyber Law, Information technology act, etc for this very purpose collected and analyzed various cases, investigative details & judgments to data to be presented in this paper from August 2023 to April 2024.

## I. INTRODUCTION

The Indian legal system and its stakeholders have been historically not so encouraged to adopt technology in day to day work among legal systems. But with the advent of groundbreaking developments in the field of self-learning & result deducing models now we can analyze a shift in mindsets, that trend is likely to change in the near future.

Most recently, the Punjab & Haryana High Court used artificial intelligence (AI) tool ChatGPT while deciding a few cases for bail. The IT experts working there have expressed their blessing and feeling that this is just the beginning; they stated that AI will have more expansive participation in case disposal and in streamlining the justice delivery mechanism and record keeping, retrieval process greatly. Given the concerns over bias and glitches, the stakeholders of the legal system are advised to be cautious.

## II. AI FOR TRANSCRIPTION OF HEARINGS

During a hearing in February 24 related to the political power struggle in Maharashtra, the Supreme Court used AI to transcribe its proceedings that were aired live. A screen displaying the live transcription of the proceedings was placed in the court of Chief Justice of India DY Chandrachud.

Generative Artificial Intelligence (“AI”) technologies, such as ChatGPT, are often used as transformative forces across world in various sectors, and are often even perceived to challenge the necessity of human involvement in such sectors. Nevertheless, the legal sector in India has harbored a degree of skepticism towards AI, and adoption is painfully slower.

To understand the flow an example of a judgment may suffice in the case of Christian Louboutin SAS & Anr. v. M/s The Shoe Boutique – Shutiq (CS (COMM) 583/2023), the Delhi High Court asserted that, in its present state of technological development, AI cannot replace human intelligence in the adjudication process. It emphasized that responses from AI chatbots cannot serve as the basis to adjudicate legal or factual matters in a court of law.

The Plaintiffs contended that their shoe styles possessed inherent distinctiveness and are readily identifiable as their creation with distinctive differences. To support their claim, the Plaintiffs cited a response from ChatGPT. The Plaintiffs posted a question to automated program ChatGPT if Christian Louboutin was known for spiked men’s shoes, to which it responded affirmatively. However, the Delhi High Court posed a different question to ChatGPT asking for the names of brands that produce spiked shoes, and in response, ChatGPT listed ten (10) different shoe manufacturing companies, including Christian Louboutin.

## III. KEY RULINGS

The DHC inferred that while the Defendant had undertaken not to imitate and sell the Plaintiffs’ designs, this did not imply that the Plaintiffs held a monopoly on all spiked shoes or colored soles. To grant an injunction, the Defendant’s products needed to be a “colorable or slavish imitation” of the Plaintiffs’ designs. After enquiring in depth by experts the products of both parties, the hon. HC determined that the Defendant had a clear intent to imitate the Plaintiffs’ products for financial gain and pass them off as the Plaintiffs’ own. Consequently, the suit was decided in favor of the Plaintiffs that is Christian Louboutin.

While the judgment primarily revolved around a trademark dispute, the Delhi HC also made interesting observations about the reliability of chatbots in legal proceedings. In view of ChatGPT’s response to the question posed by the Delhi HC, they concluded that ChatGPT cannot serve as the basis for adjudicating legal or factual matters in a court of law. This is because, firstly, the response from Large Language Model (LLM) based chatbots like ChatGPT depends on various factors, including the nature and structure of the user’s query, training data, etc., and secondly, there are possibilities of AI chatbots generating incorrect responses, fictional case laws, imaginative data, etc., making the accuracy and reliability of AI-generated data a “grey area.”

The hon. Delhi HC deduced that in its current state of technological development, AI should not and cannot replace human intelligence or the humane element in the adjudicatory process. At most, AI tools can be used for preliminary understanding, fact finding, a re-check, review or research, but not more than that.

Notably, the Delhi HC judgments aligns with recent rulings in the much evolved judiciary United States, where lawyers appearing in court must confirm that generative AI was not the only contributor or author of their legal filings, or if AI was involved, that a human must verify the content and needs to be mentioned clearly. Judge Brantley Starr of the US District Court for the Northern District of Texas recently addressed the potential of generative AI platforms to engage in “hallucinations” and might lead to or provide inaccurate information such as quotes and citations. Judge Gabriel Fuentes in the US District Court for Northern Illinois issued an order mandating disclosure of any and all generative AI tool usage in the drafting of court documents like pleading, appeals, including specifying the AI tool with the manner of its application. Parties are also mandated to disclose whether generative AI was used for conducting the corresponding legal research.

Further, Judge Stephen Vaden of the US Court of International Trade has required lawyers to also certify that the use of the AI tool “has not resulted in the disclosure of any confidential or business proprietary information to any unauthorized party.” As technology continues to progress rapidly, participants of the legal industry will continue to evolve with the necessary experiments with it. Eventually, AI will inevitably make its way into courtrooms, aiming to simplify tasks and enhance efficiency. The Supreme Court of India is also cautiously embracing AI, as demonstrated by its pilot project under which it used AI and Natural Language Processing (NLP) for live transcription. It has also used machine learning tools for translating judgments into other languages to enhance accessibility.

Now moving to the Indian government should start or initiate the process to enact laws to regulate the use of AI tools. There are other countries have either already implemented draft rules on AI (for example China) or are actively soliciting inputs on a federal AI legislation (like in the US, Canada & UK), or are in various stages of finalizing legislation (such as the European Union’s AI Act). Locally in India, there is no AI Law regulating AI tools; instead, just a strategy coming from the government’s few ministries with some governmental or semi-governmental bodies like NITI Aayog, or the some departments with a few recommendations of the Telecom Regulatory Authority of India.

As per my studies specific to the legal sector, courts must continue to develop jurisprudence on the responsible usage of AI in the adjudicatory process, with a focus on clear striking a balance between adopting AI and preserving the human element of justice. Taking a learnings from the developed countries like US, the Indian courts may also enforce mandatory disclosures regarding AI usage lie today, including specifying the name of the particular AI tool, the manner in which it was to be used or applied, and the specific portions that were drafted or researched using it. Further, it is imperative for the legal fraternity as a whole to actively engage in policy discussions concerning the utilization of AI tools with specific preferences. This includes detailed defining their scope and limitations, ensuring the protection of confidential client data, and addressing the risks of entrenched bias that could adversely affect marginalized groups. Privacy is also a huge concerns when we use tool from public domains with such modern technologies.

#### IV. ADVANTAGES OF GENERATIVE AI IN INDIAN JUDICIAL SYSTEM

**Efficacy & Efficiency:** As in Judiciary the delayed process due to limited resources at disposal including the investigative, advocacy or judiciary resources the automation is the need of hour and these AI tools are blessing in all routine or labors tasks can save time and resources, allowing legal and judicial professionals to focus on more complex and strategic aspects of their work.

**Document Creation:** As most of the documentation creation like dictated drafts by a senior advocate for pleading, statements, replies etc. AI can assist in drafting legal documents, including contracts, briefs, with speed and accuracy, reducing the workload on legal professionals.

**Legal Research:** Generative AI can quickly search and analyze vast volumes of legal literature be it a book, or speech or handwritten notes, or case laws aiding in legal research, precedent identification, and case analysis.

**Assisting in Predictive Analytics:** This can be achieved by analyzing historical case laws, interim judgments, interim orders and Obiter dictum. Also AI can be used & progressively applied for predictions of case outcomes, helping judges and lawyers make more informed decisions or proactively build the case in progress.

#### V. ETHICAL CONCERNS AND DIS-ADVANTAGES

This could lead to be an **inbuilt bias** in such automated Legal Documents: AI may inadvertently embed biases present in training data into legal documents, potentially perpetuating systemic biases.

**Loss of Human Touch:** Over-reliance on AI could diminish the human aspect of law, such as empathy and nuanced understanding of unique cases.

**Security and Privacy Concerns:** As many tools are part of open system or free to use there are security concerns & data sharing doubts to be resolved, so the specific tools to be recommended by judiciary itself will address many of such concerns. These use of

AI or automation tools in legal research and case analysis may raise privacy concerns, particularly in handling sensitive legal information.

## VI. EFFECTIVENESS OF GENERATIVE AI IN THE JUDICIAL SYSTEM

Generative AI has already demonstrated its effectiveness in numerous aspects of the judicial systems

**Speed and Accuracy:** AI can significantly accelerate the legal document development process while reducing errors and inaccuracies. This can be achieved by “text to speech” AI tools or Document translation services or many other aspects could be used and the list is increasing day-by-day.

**Data-Driven Insights:** This is from Information technology super set, predictive analytics can help lawyers and judges make precise data-driven decisions, improving case building strategy with efficiency. This is the biggest need of the hour for Indian judiciary.

**Prioritization:** Specifically the resource Optimization, be it human resource or time as resource, AI can assist in better allocating resources by identifying critical cases, prioritization and streamlining many administrative tasks.

### I. RESEARCH METHODOLOGY

The emergence of Artificial Intelligence (AI) has had far-reaching implications across various fields, including academic and scientific writing. AI, especially tools like ChatGPT, is revolutionizing the way we conduct and communicate research. This exciting development opens up new avenues for students, PhD candidates, postdocs, academics, professors, AI-enthusiasts, writers, and copyeditors to enhance their research and writing abilities. As in this special case we are considering somewhat non-technical line of Indian Judiciary. The research is mostly carried out with various discussions, email communications & personal experiences shared in this paper by Adv. Ravindra Pande.

#### 3.1 Population and Sample

The Author Advocate Ravindra R. Pande, Chief Information officer with Mumbai based company called India Training Services which is an advance Technology Enabled solution creator & helping new business builders to build business model among these, which had earlier provided AI-enabled services to colleges, advocates practitioners, helped the institutions in various field like Health care, IOT, Robotics etc. .

Lawyer and tech expert Adv. Ravindra Pande is working on these initiative in a capacity of freelancer as being technocrat with 28 years of IT experience and an Advocate with LLM in IPR.

Author in the lie of extensive studies researched these various facts & figures to include in this paper. Mostly in Mumbai, India where author currently resides and various colleges & Judiciary system author working with are the samples. Then various discussions with counterparts, friends, colleagues worldwide especially in United States, United Kingdom, Germany etc.

#### 3.2 Problem of Study

As in case of these AI enabled automated tools to unlock the value of machine learning models, organizations must train them on enterprise-specific proprietary data, enabling them to excel in specialized tasks. This is the most challenging task for machine learning teams. Referred to as the ‘data bottleneck’, the problem addresses the inability of organizations to rapidly extract value from AI due to challenges pertaining to training data availability, quality, or privacy. As a result, ML projects often fail to take flight, remain confined in innovation labs, and never reach production. In this paper the reference to various Indian Judiciary & then International Judiciary case laws are covered to build a composite study to be presented.

In 2023 March, an Indian High Court judge used AI chatbots ChatGPT to summarize case law. The use of AI chatbots in the legal system is growing, with proponents praising their potential to streamline processes while critics warn of biases and false results.

Chief Justice of India, Dr. DY Chandrachud in his welcome address at the Indo-Singapore Judicial Conference in April 2024 spotlighted the intervention of Artificial Intelligence (AI) in the realm of legal practice and judicial decision-making. Stressing the need to embrace the technological developments and the onset of AI in the legal domain, the CJI also cautioned against ‘high-risk’ AI tools.

We can include many support as well in Indian Judiciary of adopting AI tools to create a success story. Like Judge Anoop Chitkara has ruled over thousands of cases. But when he refused bail to a man accused of assault and murder, he turned to ChatGPT to help justify his reasoning.

He is among a growing number of justices using artificial intelligence (AI) chatbots to assist them in rulings, with supporters saying the tech can streamline court processes while critics warn it risks bias and injustice.

“AI cannot replace a judge. ... However, it has immense potential as an aid in judicial processes,” said Mr. Chitkara.

## VII. DECLARATION OF COMPETING INTEREST

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

## VIII. ACKNOWLEDGMENT

The Author is extremely thankful for various discussions, knowledge & time spent with me by quite a few dignitaries. Specially the email & what's up app communications at odd hours during last few months across globe.

The author, Adv Ravindra Pande, has used ChatGPT while preparing this article. The human author has modified the content based on the existing literature evidences and references. The author is thankful for OpenAI's blogs and related content for gathering information about ChatGPT.

And thanks to JETIR for giving me the opportunity and platform to publish this paper and hope many to follow.

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