Workshop for High Court Justices on Information & Communication Technology
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Programme Report

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The National Judicial Academy organized a **Workshop for High Court Justices on Information & Communication Technology** on **15th September, 2024.** The participants were High Court Justices nominated by respective High Courts.

The Workshop focused on key issues related to integration and use of technology in courts. The thematic areas of the Workshop included Digital Transformation in Indian Judicial System and Role of High Courts; Enhancing Court Efficiency, Access to Justice and User-Friendliness through ICT; and Artificial Intelligence (AI) and its Implications as Courtroom Technology.

Session 1: Digital Transformation in Indian Judicial System: Enhancing Court Efficiency, Access to Justice and User-Friendliness

The session was commenced with discussion on the details of the E-Courts project and it was stated that India started digital transformation of judiciary before England and substantial advances have been made in the digitisation of courts. The concern was expressed on the need of strong leadership for further development of the use of technology in courts. The need of conceptual thinking and new ideas in the digitisation of courts was emphasised and the discussion then focussed on justice as an idea of emancipation both in procedural and substantial manner. The importance of metadata and transformation of registry were highlighted and concern was expressed on the lack of uniformity in the settlement of motor accident claims by tribunals.

The matters which can be easily resolved through the use of technology with minimal or no human intervention were discussed including disputes involving smart contracts, land acquisition cases and motor accident claims. It was stated that such kind of cases could be resolved with the use of technology at the threshold itself. The disposal of pending criminal appeals in High Courts through digital medium was emphasised.

The discussion then focussed on another conceptual idea i.e. certainty and less human intervention and parameters for the establishment of new courts. The establishment of POCSO courts with the assistance of central government was discussed and it was stated that data should be studied before the establishment of courts. The prioritization of cases was emphasised and it was stated that cases dealing with national security should be prioritized. The method of fixing units for the disposal of cases in the district judiciary was discussed and it was suggested that pendency of cases in courts, complexity of cases and number of witnesses to be examined should be considered in the system of fixing units. The concern was expressed on impact on the quality of judgments due to units system in the district judiciary. The changes in the system of performance assessment were suggested and the feedback from the appellate forum to portfolio judge was emphasised.

The discussion then focussed on issues related to prudent use of human resources and challenges in establishment of new courts were highlighted. One of the main challenge is the requirement of supporting staff in new court and it was stated that proper digitisation and further advancement of technology in courts can reduce reliance on supporting staff. The progress in digitisation in Kerala was shared and software for the disposal of cheque bounce cases was demonstrated. The details of the digital case management system were also explained.

Then problems related to virtual hearing of witnesses were discussed and challenges and strategies to overcome them were explained. The problem of high pendency of cases due to absence of advocates was highlighted and issues related to adjournments were deliberated upon. It was emphasised that there should be certainty in the hearing of cases which can reduced adjournments and only those cases should be listed which can be heard by the court. The issues related to fixing time limit in the completion of trial were highlighted and various suggestions were given in this regard. It was stated that there should be increase in the number of judges as litigation is rising due to higher awareness of rights among people.

Session 2: Artificial Intelligence (AI) and its Implications as Courtroom Technology

The session was commenced with issues related to integration of artificial intelligence (AI) in court processes and it was stated that judges must enhance their skills in technology as part of their work profile mandating enhancement of knowledge. The process of formation of artificial intelligence in computing system was explained and evolution of the different generations of artificial intelligence was discussed. The large language model of artificial intelligence such as Chat GPT, SIRI, Google Gemini, Github, Google Translation and the use of the content of the generative AI such as Chat GPT in courts were discussed. The issue that whether AI can substitute human element in the adjudicatory process was deliberated upon. The possible areas of AI intergration in the court processes including legal analytics and research, translation services, case management, transcription services and online dispute resolution, judicial decision making in quantifiable disptes, risk assessment tools in bail and sentencing, machine scrutiny and defect marking, due diligence/document review and settlement of claims were explained to participants. Various issues in the integration of AI in court processes such as AI hallucinations, transparency and explainability (Black Box problem), Centaur's dilemma & judicial autonomy, ethical concerns and data and design biases were deliberated upon. To demonstrate the problems in using AI in court process, the judgment *Mata v Aviance Inc* (2023) [22-cv-1461 (PKC)] of the United States District Court, S.D. New York was referred where the plaintiff used Chat GPT in preparing plaint and the defendant could not find the case relied upon and court ruled that advocates should ensure accuracy in their filings. The requirement of certificates from advocates mentioning that they have not used AI in their filings in US court was discussed.

The risk need assessment tool COMPASS of United States assisting in making informed decision with regard to placement and management of offenders and planning their treatment in jail and its use in US courts were explained. The concern was expressed on need to ensure judicial autonomy while utilizing generative AI system for decision making. The ethical concerns in integration of AI in court processes such as handling confidential or sensitive information, issues related to access to justice and use of deep fakes were highlighted. It was stated that in cases of juveniles/children in conflict with law, rape and domestic violence, confidentiality is required and sensitive/confidential information may be retained or disclosed by generative AI. The judgment *Nipun Saxena & Anr. v. Union of India*, 2018 INSC 1192 regarding guidelines for protection of survivor's identity was referred.

The opportunities for implementation of AI as court room technology were explained including automated transcription services, real time court transcriptions, sentencing and bail decision

support, predictive policing and crime prevention, AI chatbots and legal assistance, AI for administrative tasks, AI in judicial policy and reform, case management and scheduling and legal research and document review. It was emphasised that there should be a statutory regime to regulate AI and judiciary should adopt the concept of cyborg judges rather than robot judges. The concern was expressed on stagnation in jurisprudential development in situation of reliance on AI for judicial process.