**Artificial Intelligence and Indian Judicial System: A Critical Analysis in Perspectives of Speedy Trial**

***Submission by***

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**Abstract**

Quick Justice is not only a requirement of an effective and healthy judicial system for every democratic nation, but also a fundamental right of an individual especially of the accused in the interest of justice. It is a part of the fair and just procedure of law which ensures the reasonableness of justice and non-arbitrariness of the court. Article 21 of the Constitution of India guarantees reasonable, fair and due procedure of law and speedy trial is an unmentionable but undeniable part of this Article, that enhances public confidence towards the administration of justice. The court is entitled to direct for augmenting and strengthening the judicial system by adopting effective adjudicatory mechanisms and technical machineries so that proper and speedy justice shall be reasonably accessible. Artificial Intelligence (AI) is the fruit of the digital revolution which includes a developed or developing computer programme to complete task sans the inference of human intelligence. Its algorithm of identifying new patterns, auto-learning, auto-adoptability, sensation, logical reasoning, problem understanding and solving method is enable the individuals to generate higher quality productions and services. Moreover, its quick and correct recognizing and solving mechanism promotes the larger productivity in both long and short term. Artificial Legal intelligence (ALI) is no doubt an effective mechanism which may leave a positive impact in better legal research and service. An expertise artificial legal assistant can provide better legal reason analysis, quick identification, case studying, fact framework, drafting, judgment and intelligent support to the Judges, Legal Professionals, Advocates, Legal Researchers and Scholars. Moreover, there is one of basic principles of justice that “*Justice delayed is justice denied*”. The Preamble of the Constitution of India envisages the phrase “*JUSTICE, social, economic and political*” which promotes the unbiased, proper and speedier justice towards the people of India. Thus, the Artificial Intelligence or Artificial Legal Intelligence is one of the aspects and solutions to secure the justice which might be oppressed by the complicating, formal and frustrating procedure of existing judicial system. It should not be forgotten that “*It is a crying shame upon our adjudicatory system which keeps men in jail for years on end without a trial*.”

[Keywords: Artificial Intelligence, Judicial system, Speedy trial, Machine learning]

1. **Introduction**

‘Artificial Intelligence’, in short ‘AI’ is the aftermath of digitalization leaving a positive impact by offering plethora of possibilities on a large section of individuals and thus, this technology does able to snatch attention from every sector of the society. It has the contribution and provides challenges to almost all disciplines including philosophy, cognitive science, economics, law, and the social sciences. It has left multi-dimensional effect to enhance the efficacy along with advanced transformation of the environment of several sectors and industries.**[[1]](#footnote-1)** However, for the developed and developing industry or sector adaptation and innovation is the key of its sustainable development which is led to sustainable manufacturing and using of technologies. Thus, to promote the sustainability, smart intelligent productions and technologies are required with universal and unanimous perspectives of its application. Artificial intelligence which is based on artificial human thinking and machine learning programme is an effective technology for enhancing the sustainable productivity and development.Moreover, hi-tech smart gadget or technology meet the requirement of innovative solution and increase the sustainability of quality and quantity while reducing costs.**[[2]](#footnote-2)** In addition, in 21st century, Artificial Intelligence has become an inseparable part of research in the fields like Engineering, science, education, medicine, business, accounting, finance, marketing, economics, stock market, law etc. Moreover, due to its upgrading and growing prospect in the machine intelligence with machine learning capabilities has left a perspicacious impact on trading, governments, and society. Therefore, AI is useful in answering critical problem for sustainable manufacturing of the product by ensuring time, quality and quantity.**[[3]](#footnote-3)**  Thus, Artificial Intelligence shall also be effective to augment the efficacy of Judicial System especially in justice delivery procedure. Artificial Legal Intelligence (ALI) a virtual intelligence programme shall be fruitful in artificial legal assistance for the judicial system of the largest democracy, as the application of the AI technology can be presented as a feasible alternative in serving the ends of justice to the one of the largest and complexed justice deliver systems by assisting significantly in achieving the merits of an ideal judicature mechanism including inter alia, timeliness, affordability and transparency of the judicial procedure.**[[4]](#footnote-4)** No doubt, in any country, role of judiciary has very crucial for interpreting and applying the law and to adjudicate the controversies and delivered justice. Moreover, it is also the function of the judiciary to maintain the rule of law and to assure the individuals from rule by law. In addition, by safeguarding the constitutional supremacy, the judiciary ensures that interpretation and application of law and keeping all the authorities within the constitutional framework.**[[5]](#footnote-5)** Thus, speedy trial or speedy adjudication is an essential fundamental right under the elaborative interpretation of Article 21 of the Constitution of India as provided in *Maneka Gandhi* **[[6]](#footnote-6)** and the court has to ensure the reasonable time duration in adjudicating a trial. In *Balaji Baliram Mupade* v. *The State of Maharashtra***[[7]](#footnote-7)**, S. K. Kaul, J. observed that “Judicial discipline requires promptness in delivery of judgments – an aspect repeatedly emphasized by this Court. The problem is compounded where the result is known but not the reasons. This deprives any aggrieved party of the opportunity to seek further judicial redressal in the next tier of judicial scrutiny.”Moreover, the Supreme Court also lay down that Justice delayed is justice denied. A system of criminal procedure which did not prescribe a speedy trial could not be said to be either fair or reasonable and speedy trial is of essence to criminal justice and there can be no doubt that the delay in trial by itself constitutes denial of justice.**[[8]](#footnote-8)**

1. **Concept of Artificial Intelligence**

The concept and terminology of Artificial Intelligence (“AI”) was first proposed by John McCarthy in the 1956 Dartmouth College summer research project conference on artificial intelligence. Significantly, the year 1896, six decades ago of McCarthy’s proposition, it was the *ab ovo* of technological invention when Herman Hollerith invented and developed the first punch and tabulation machines for the USA Census Bureau for sorting and analyzing data. In the year 1940, Dr. J. Presper Eckert and Dr. John Mauchly invented first digital computer called as the Electronic Numerical Integrator and Computer (ENIAC) and later in the year 1949 hey introduced Binary Automatic Computer (BINAC) with magnetic storable tape. Moreover, the Universal Automatic Computer (UNIVAC) was also their brainchild.**[[9]](#footnote-9)**

McCarthy in 1956 suggested the idea of innovation machine with “every aspect of learning or any other feature of intelligence”. This proposition was based on the hypothesis by the mathematician Alan Turing in 1950 where the question raised and whether it is possible to create machines that have the same ability to think, learn and feel by themselves alike human beings. A machine with hi-tech, if can think like a scientist or having scientist’s brain, shall be the greatest innovation for the progression of science and technology. Alan thus able to put the answer of his research question after his series of testing which was called as “*Turing test*” (initially called the *imitation game by Alan Turing*) in the year 1950 that *machines can think* and it is possible to enable machines to learn and respond just like humans. As features of intelligence, McCarthy cited the use of language, the formation of abstractions and conceptions, problems solving now reserved for humans and self-improvement.**[[10]](#footnote-10)** Moreover, AI mainly aims to replicate or emulate of intelligence of human beings. In this context, the question arises whether AI will replicate all the biological organisms, including the humane behaviour, working of different principles from digital technologies and will access all the mental abilities, perceptions, intuition, emotions, and even spirituality of human or of the individual whom it aims to replicate. Further, it also arise the controversy whether AI could replicate all the behaviours of human being including the ethical or moral obligations.**[[11]](#footnote-11)** Thus, by considering all the perspectives, the Organization for Economic Co-operation and Development (OECD) recommended the definition and concept of AI system as: “An AI system is a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. AI systems are designed to operate with varying levels of autonomy.” In addition, OECD also referred certain information regarding AI as:

* ***AI system lifecycle***: AI system lifecycle phases involve:
1. ‘design, data and models’; which is a context-dependent sequence encompassing planning and design, data collection and processing, as well as model building;
2. ‘verification and validation’;
3. ‘deployment’; and
4. ‘Operation and monitoring’.

These phases often take place in an iterative manner and are not necessarily sequential. The decision to retire an AI system from operation may occur at any point during the operation and monitoring phase.

* ***AI knowledge***: AI knowledge refers to the skills and resources, such as data, code, algorithms, models, research, know-how, training programmes, governance, processes and best practices, required to understand and participate in the AI system lifecycle.
* ***AI actors***: AI actors are those who play an active role in the AI system lifecycle, including organizations and individuals that deploy or operate AI. **[[12]](#footnote-12)**

Thus, in elaborate sense, the areas of artificial intelligence can be classified into sixteen categories, such as reasoning, programming, artificial life, belief revision, data mining, distributed AI, expert systems, genetic algorithms, systems, knowledge representation, machine learning, natural language understanding, neural networks, theorem-proving, constraint satisfaction, and theory of computation.In addition, machine learning, natural language processing, image processing, data mining etc. are also the subfields of AI and those are very useful in smart manufacturing, medical science, pharmacology, agriculture, archaeology, games, business etc. **[[13]](#footnote-13)**

European Commission (2020) defines as AI is a collection of technologies that combine data, algorithms and computing power. Advances in computing and the increasing availability of data are therefore key drivers of the current upsurge of AI. In this connection, the commission suggests that to build the trust and social acceptance, it is vital that AI should be grounded in basis of values and fundamental rights such as human dignity and privacy protection. Furthermore, the impact of AI systems should be considered not only from an individual perspective, but also from the perspective of society as a whole. The use of AI systems can have a significant role in achieving the Sustainable Development Goals, and in supporting the democratic process and social rights.

On that basis, AI ecosystem brings the benefits of the technology towards the society and economy as:

* for ***citizens*** to reap new benefits for example improved health care, fewer breakdowns of household machinery, safer and cleaner transport systems, better public services;
* for ***business development***, for example a new generation of products and services in areas where Europe is particularly strong (machinery, transport, cyber-security, farming, the green and circular economy, healthcare and high-value added sectors like fashion and tourism); and
* For services of ***public interest***, for example by reducing the costs of providing services (transport, education, energy and waste management), by improving the sustainability of products and by equipping law enforcement authorities with appropriate tools to ensure the security of citizens, with proper safeguards to respect their rights and freedoms. **[[14]](#footnote-14)**

Virginia Dignum, an Artificial Intelligence scientist worked comprehensively on ethical aspects of Artificial Intelligence, interpreted the fact that AI refers not only just to artefacts, but also to an academic community. According to her, AI is the discipline that studies and develops computational artefacts that exhibit some facets of intelligent behaviour. Such artefacts are often referred to as artificial agents. Intelligent agents are those that are capable of flexible action in order to meet their design objectives, where flexibility includes the following properties. **[[15]](#footnote-15)**

1. **Artificial Legal Intelligence**

According to Pamela N. Gray Artificial Legal Intelligence offers an imaginative, utopian view of the technological implementation of legal reasoning. Artificial Legal Intelligence (ALI) is a virtual legal assistance based of AI technology and after a number of empirical studies on artificial intelligence techniques to legal reasoning, it was concluded that ALI offers a vision of the law as a holistic entity at the brink of evolving into a codified computer system of legal services.ALI promotes the pragmatic approach of thinking or thought inducing to both computational models of legal reasoning and the use of evolutionary thinking about and learning of the law. According to Gray, computerized artificial legal intelligence is a vision of developments in both technology and legal history. Moreover, involvement of technology and automation mechanism shall be trends in future both in artificial intelligence and legal curriculum and set an evolutionary imprint for law and society through its effective analyzing method of legal reasoning and problem solving. **[[16]](#footnote-16)** Legal reasoning and case analyzing is an inseparable part of legal service and research for the legal experts, professionals, practitioners, judges and academicians. Practically, it sometimes exerts serious challenges for the experts to analysis cases or for creating a system of experts which provide quick and proper intelligent support through case analyzing and legal reasoning to the legal professionals. ALI is the feasible consequence or technique which can be proved as fruitful in the practical legal domain. **[[17]](#footnote-17)** Further, Gray observes that there are three fields of artificial intelligence are most relevant to work in the legal area: case-based reasoning, expert systems, and neural networks. A case-based reasoning programme is aimed to answer a problem by relying on solutions to previous and similar problems. This approach is based on analyzing and using the precedents in solving legal reasoning. Expert system which is an AI or ALI system seeks to reproduce an artificial or virtual human expert who applies its skills and intelligence to any specific types of problems. And, neural networks are artificial networks intended to work in a way analogous to the networks of neurons which comprise the brain. In this networking system, the input and output points are connected by a simulated network. The network can be “trained” by the way of adjustment of interconnection or addition of new connection in the network until the inserted input provides the desirable result. Once, the network is properly adjusted, it should provide the correct output in future as a artificial neural network should learn the rule of output production on the number of cases and it should be flexible enough to adjust if there is a new case.**[[18]](#footnote-18)**

Moreover, Gray views the legal intelligence in two bases such as “holistic legal intelligence” and “cyclic paradigms of legal intelligence”. “Holistic legal intelligence” refers legal reasoning is a unique and autonomous form of reasoning. The advocacy and advising of lawyers, like the decision-making processes of judges, rely on specialized skills that use concepts and rules of inference that could be represented in symbolic form. Accordingly, Gray presents the development of holistic legal intelligence as the progression of a single discipline, in the same way that physics can be described as a series of developments within a single domain. Undoubtedly, Gray prefers to associate legal intelligence with the “science of legal choice”. Legal reasoning is seen as simply a process of “moving from one unit of legal data to the next to make a selection”. This view binds together the idea that law is an autonomous discipline with the notion that the law consists of its formal representations, whether in statutes, cases, or other written embodiments, and that such representations are linked together by a coherent logic of some sort. Both assumptions law’s autonomy and law’s formalizability would pave the way for the law to be captured in a single computer program as Gray envisions. The other principle i.e. “cyclic paradigms of legal intelligence” by Gray refers the computerization of the legal process and the historical development of legal systems. According to this view, each legal system evolves through successive life cycles, and each life cycle in turn is comprised of five stages: “ritual, common law, theory, casuistry, and codification”. Moreover, Gray also refers the artificial intelligence program that would function to automate the “collective legal intelligence” such as legal information system containing both the knowledge and processes of human intelligence.**[[19]](#footnote-19)**

1. **Speedy Trial[[20]](#footnote-20)**

Neither, the Constitution of India includes the right to “Speedy trial” as fundamental rights, nor the Code of Criminal Procedure guarantees any provision of fixing time duration for trying a case or delivering judgment by the concern judge. After the *Maneka Gandhi***[[21]](#footnote-21)** case, new approach and liberal trends to interpret the fundamental rights especially the Article 21 was observed by the Supreme Court of India. Thus, a vast transformation and liberal approach in judicial attitude was observed towards the protection of right to life and personal liberty and application of ‘due process mechanism’. Right to speedy trial is the fruit of the liberal view of judiciary which is derived from Article 21 catered the right to the accused of promptness in trial. R.M. Sahai, J. observed in *Kartar Singh* v. *State of Punjab***[[22]](#footnote-22)** viewed that the right to a speedy trial is a derivation from a provision of *Magna Carta*. This principle has also been incorporated into the *Virginia Declaration of Rights* of 1776 and from there into the *Sixth Amendment of the Constitution of United States of America* which says that in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial. Moreover, the concept of ‘speedy trial’ is read into Article 21 as an essential part of the fundamental right to life and liberty guaranteed and preserved under our Constitution. The right to speedy trial begins with the actual restraint imposed by arrest and consequent incarceration and continues at all stages, namely, the stage of investigation, inquiry, trial, appeal and revision so that any possible prejudice that may result from impermissible and avoidable delay from the time of the commission of the offence till it consummates into a finality, can be averted. In this context, it may be noted that the constitutional guarantee of speedy trial is properly reflected in Section 309 of the Code of Criminal Procedure.**[[23]](#footnote-23)** Bhagwati, J. observed in *Hussainara Khatoon* v. *Home Secretary, State of Bihar* (*I*)**[[24]](#footnote-24)** that though speedy trial is not specifically enumerated as a fundamental right, it is implicit in the broad sweep and content of Article 21 as interpreted by the Court in *Maneka Gandhi*. Article 21 confers a fundamental right i.e. no person shall be deprived of his life or personal liberty except in accordance with the requirement of that Article that some semblance of a procedure should be prescribed by law, but that the procedure should be “reasonable, fair and just”. If a person is deprived of his liberty under a procedure which is not “reasonable, fair or just”, such deprivation would be violative of his fundamental right under Article 21 and he would be entitled to enforce such fundamental right and secure his relief. Now obviously procedure prescribed by law for depriving a person of his liberty cannot be ‘reasonable fair or just’ unless that procedure ensures a speedy trial for determination of the guilt of such person. No procedure which does not ensure a reasonably quick trial can be regarded as ‘reasonable, fair or just’ and it would fall foul of Article 21. Therefore, there is no doubt that speedy trial, and by speedy trial or by reasonably expeditious trial, is an integral and essential part of the fundamental right of life and liberty enshrined in Article 21.**[[25]](#footnote-25)** Moreover, in *Hussainara Khatoon* v. *Home Secretary, State of Bihar* (*II*)**[[26]](#footnote-26)** the same Court has laid the great emphasis on speedy trial of criminal offences and held that ‘it is implicit in the broad sweep and content under Article 21. A fair trial implies a speedy and quick trial. No procedure can be reasonable, fair or due unless that procedure ensures a speedy trial for determination of guilt of such person.

However, right to speedy trial is an inalienable right under Article 21 in all criminal procedure which not only applies to the actual proceedings in court but also includes the procedure of police investigation. The right to speedy trial extends equally to all criminal prosecutions and is not confined to any particular category of cases. In every case, where the right to speedy trial is alleged to have been infringed, the court has to perform the balancing act upon taking into consideration all the attendant circumstances, enumerated above, and determine in each case whether the right to speedy trial has been denied in a given case. Where the court comes to the conclusion that the right to speedy trial of an accused has been infringed, the charges or the conviction, as the case may be, may be quashed unless the court feels that having regard to the nature of offence and other relevant circumstances, quashing of proceedings may not be in the interest of justice. In such a situation, it is open to the court to make an appropriate order as it may deem just and equitable including fixation of time frame for conclusion of trial.**[[27]](#footnote-27)**

Further, the State cannot be permitted to deny the constitutional right of speedy trial to the accused on the ground that the State has no adequate financial resources to incur the necessary expenditure needed for improving the administrative and judicial apparatus with a view to ensuring speedy trial. The State may have its financial constraints and its priorities in expenditure, but, ‘the law does not permit any government to deprive its citizens of constitutional rights on a plea of poverty’, or administrative inability.**[[28]](#footnote-28)**

In *Raj Deo Sharma* v. *The State of Bihar***[[29]](#footnote-29)**the Supreme Court observed that fair, just and reasonable procedure implicit in Article 21 of the Constitution creates a right in the accused to be tried speedily. Right to speedy trial is the right of the accused. The fact that a speedy trial is also in public interest or that it serves the social interest also does not make it any the less the right of the accused. It is in the interest of all concerned that the quilt or innocence of the accused is determined as quickly as possible in the circumstances. In addition the court laid down that undoubtedly, neither length of time is per se too long to pass scrutiny under this principle nor is the accused person called upon the show the actual prejudice by delay of disposal of cases. On the other hand, the Court has to adopt a balancing approach by taking note of the possible prejudices and disadvantages to be suffered by the accused by avoidable delay and to determine whether the accused in a criminal proceeding has been deprived of his right of having speedy trial with unreasonable delay which could be identified by the factors - (1) length of delay, (2) the justification for the delay, (3) the accused’s assertion of his right to speedy trial, and (4) prejudice caused to the accused by such delay. However, the fact of delay is dependent on the circumstances of each case because reasons for delay will vary, such as delay in investigation on account of the widespread ramification of crimes and its designed network either nationally or internationally, the deliberate absence of witness or witnesses, crowded dockets on the file of the court etc.**[[30]](#footnote-30)**

Recently, Sanjay K. Kaul, J. in *Balaji Baliram Mupade* v. *State of Maharashtra***[[31]](#footnote-31)**viewed thatjudicial discipline requires promptness in delivery of judgments – an aspect repeatedly emphasized by this Court. The problem is compounded where the result is known but not the reasons. This deprives any aggrieved party of the opportunity to seek further judicial redressal in the next tier of judicial scrutiny.

1. **Impact of Artificial Intelligence on Judicial System for Speedy Trial**

No doubt, the functionaries of the judicial system of any country collaterally depend on the population and ideology of the individuals of that country. It is the role of judiciary to adjudicate any dispute by upholding the Constitutional mandates as well as by sustaining the social trends. If there is any contradiction raised during adjudication, then the judiciary will adopt the favor which is reasonable, fair and just as the Constitution promulgated. The Preamble of the Constitution of India starts with, “*WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India*….”, and ends by “…. *adopt, enact and give to ourselves this Constitution*”, which prefer and declare that the ultimate and absolute sovereignty towards the people of India and that the Constitution rests on their authority and the source of all authority under the Constitution is the People of India.**[[32]](#footnote-32)** Moreover, the Preamble also envisages the terms ‘Democratic’, ‘Republic’, ‘Justice-social, economic and political’, ‘liberty’ etc which is purposive to fulfill the requirement of balancing the law and morality.Therefore, in changing society, it is highly indispensable to adopt the change from every aspect including the technological transformation for the development and progress of society. **[[33]](#footnote-33)** Thus, it is certain that the judiciary of the largest democracy has to face plethora of challenges to discharge its duties and functionaries and one of the grave challenges is the high increasing of pending case and delaying in adjudication and therefore lingering in delivering of judgment. To get rid of the problem, though the Government of India and the Supreme Court have affiliated Alternative Dispute Resolution (ADR), *Lok Adalat*, *Nyaya Panchayats* as alternative machinery for adjudication of cases for reducing the pressure of pending cases on judiciary. In this regard, the Artificial Intelligence or rather says Artificial Legal Intelligence can be proved as effective model to amplify efficacy of judiciary especially in expeditious adjudication. Moreover, the alternate adjudication machinery can also be stimulated with computerization and Artificial Intelligence for a greater extent of openness and accessibility thus lending credibility to the dependence of both government and people on these modes of alternate adjudication machinery.**[[34]](#footnote-34)** In this context, the *Niti Aayog* Expert Committee (2021) proposed e-ADR or ODR (Online Dispute Resolution) mechanism which is the use of technology to ‘resolve’ disputes. It is not just any form of technology integration (such as electronically scheduling a session), but its active use to help resolve the dispute (such as video conferencing for hearings or electronic document sharing for filing). Though derived from ADR, ODR’s benefit extends beyond just e-ADR or ADR that is enabled through technology. ODR can use technology tools that are powered by Artificial Intelligence or Machine Learning in the form of automated dispute resolution, script-based solution and curated platforms that cater to specific categories of disputes. ODR’s benefits are also manifold. It is cost effective, convenient, and efficient, allows for customizable processes to be developed and can limit unconscious bias that results from human interactions. In terms of layers of justice, ODR can help in dispute avoidance, dispute containment and dispute resolution. Its widespread use can improve the legal health of the society, ensure increased enforcement of contracts and thereby improve the Ease of Doing Business Ranking for India. Over time, the benefits of ODR and Digital Courts (technology in the public court system) together can transform the legal paradigm as a whole.**[[35]](#footnote-35)**

Thus, involvement of AI or ALI may prove effective and may be the solution of the issues related to the speedy trial. The automation of service providing in counseling, adjudication system though the AI-based knowledge management techniques may help to integrate data for the analysis of decision-making scenarios to improve the production time of procedural parts.**[[36]](#footnote-36)**

The way of functioning AI in Judicial system is**[[37]](#footnote-37)**:-

|  |
| --- |
| 1. Collection of the case
 |
| 1. Gone through the case and briefing
 |
| 1. Summarization of the content
 |
| 1. Analysis of the fact
 |
| 1. Research of Precedent and case laws
 |
| 1. Analysis for adjudication
 |
| 1. Determination of settlement or punishment
 |
| 1. Judgment
 |

Figure: 1

The way of functioning AI adjudicating a civil case:-

**Institution Stage**

|  |
| --- |
| 1. Institution of Suit
 |
| 1. Issue of summons
 |
| 1. Service of summons to Defendant(s)
 |
| 1. Defendant Appear
 |
| 1. Written Statement by defendant
 |

Figure: 2

**Trial Stage**

|  |
| --- |
| 1. Framing of Issues
 |
| 1. Evidence produced by Plaintiff
 |
| 1. Evidence produced by Defendant
 |
| 1. Argument
 |

Figure: 3

**Judgment Stage**

|  |
| --- |
| 1. Judgment or Decree or Order
 |
| 1. Review
 |
| 1. Appeal
 |
| 1. Execution
 |

Figure: 4

The way of functioning AI adjudicating a criminal case:-

In **Police Case**

|  |
| --- |
| 1. Lodging First Information Report (F.I.R)
 |
| 1. Police Investigation
 |
| 1. Charge Sheet produced by Investigating Officer (I.O.) of the case
 |
| 1. Record of all documents the case by proper Court
 |
| 1. Trial conducted by Public Prosecutor (PP)
 |
| 1. Inquiry by the Court on *prima facie*
 |
| 1. Discharged (if required after hearing of the submission by PP)
 |
| 1. Framing of Charge (if not discharged)
 |
| 1. Plead guilty by accused (then it will be recorded and judgment will be drown)
 |
| 1. Prosecution Evidence production (if not pleaded guilty by accused)
 |
| 1. Cross examination of the Evidence by Prosecution
 |
| 1. Acquittal (If, after taking the evidence for the prosecution, examining the accused and hearing the prosecution and the defence on the point, the Judge found no evidence against the accused)
 |
| 1. Statement of Accused
 |
| 1. Defence Evidence
 |
| 1. Argument
 |
| 1. Judgment and Order (Acquittal or Conviction)
 |
| 1. Jail or Probation
 |
| 1. Appeal
 |

Figure: 5

In **Complaint Case**

|  |
| --- |
| 1. Complaint before the Magistrate
 |
| 1. Examination of complaint and Inquiry by the Court
 |
| 1. Record the *prima facie* by Court on basis of preliminary evidence produced by complainant
 |
| 1. Framing of Charges
 |
| 1. Evidence produced by complainant
 |
| 1. Accused statement
 |
| 1. Evidence produced by defence
 |
| 1. Argument
 |
| 1. Judgment and Order (Acquittal or Conviction)
 |
| 1. Jail or Probation
 |
| 1. Appeal
 |

Figure: 6

1. **Conclusion**

It is true that whenever new technology is arrived, it transformed the environment surrounded human beings. Thus, there are plethora of behavioral alteration and changes observed among the individuals. This process of changing or modification not only makes balance among society, science and technology but also the entire system of human community. Thus, it also broadens the scope and ambit of human rights and practice and transformed universally. In this regard, human rights are those minimal rights which are based on universally accepted norms and moral principles that bind the individuals in a fabric of modern society. It is those inherent perspectives of an individual human being that define certain standards of human interaction in and with society and state. It has been unanimously observed that Artificial Intelligence driven systems serve for the benefit of individuals and communities, and AI is often conferred the transferring of the decision making process from humans to machines resulting in control over citizens.**[[38]](#footnote-38)** No doubt, involvement of AI in judicial system shall provide a better administration of justice and be beneficiary for the individuals. It is a general scenario that the judiciary has the highest demand in this largest democracy with the low speed in adjudication. Thus, the swift trial is not only a fundamental right but also a social demand. T.S. Thakur, CJI. in *Anita Kushwaha* v. *Pushap* *Sudan***[[39]](#footnote-39)** observed thatthe process of adjudication must be speedy. “Access to justice” as a constitutional value will be a mere illusion if justice is not speedy. Justice delayed, it is famously said, is justice denied. If the process of administration of justice is so time consuming, laborious, indolent and frustrating for those who seek justice that it dissuades or deters them from even considering resort to that process as an option, it would tantamount to denial of not only access to justice but justice itself. *Sheela Barse* v. *Union of India***[[40]](#footnote-40)**, P Bhagwati, J. declared that speedy trial as a facet of right to life, for if the trial of a citizen goes on endlessly his right to life itself is violated. There is jurisprudentially no qualitative difference between denial of speedy trial in a criminal case, on the one hand, and civil suit, appeal or other proceedings, on the other, for ought we know that civil disputes can at times have an equally, if not, more severe impact on a citizen’s life or the quality of it. Access to Justice would, therefore, be a constitutional value of any significance and utility only if the delivery of justice to the citizen is speedy, for otherwise, the right to access to justice is no more than a hollow slogan of no use or inspiration for the citizen. In *Kadra Pehadiya* v. *State of Bihar***[[41]](#footnote-41)** it waspointed out the decision of *Hussainara Khatoon* (*I*) and (*II*) and held that speedy trial is a fundamental right of an accused implicit in Article 21 of the Constitution and mentioned that “It is a crying shame upon our adjudicatory system which keeps men in jail for years on end without a trial.”

Thus, Artificial Intelligence in legal system is highly beneficial and demanded to resolve this problem. Moreover, the quick analyzing methodology is also helpful in legal reasoning and research. Further, it not only saves judicial time leading to better utilization of public money but may also help in reducing the impact of personal biases of the judge in decision making.**[[42]](#footnote-42)** In the contrary the question may arise, whether, the high intelligent artificial human mind can be fitted in place of the human mind, and whether, it shall be justiciable. The answer is clearly that no hi-tech can take the place of human intelligence. The innovative mind of humans can never be replaced by any computerized models. AI or ALI system shall only be for the purpose of providing assistance to human labour. Denial of this assisting theory shall be subjugated to non-justiciable. For example, a thinking machine may be well trained or be well programmed, never judge a thing that is new and not installed in its system. In such cases, the human mind shall be the best and only option. However, Artificial Intelligence may be help for the judges in the decision-making process by giving calculated and unbiased opinions and thus ensuring the process of controlling a huge number of litigations with expeditious trial and promptness in delivering judgment.**[[43]](#footnote-43)**

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