FROM ROBES TO ROBOTS – HOW AI IMPACTS JUDICIAL DISCRETION

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ABSTRACT

The court system now experiences a major transformation through the implementation of Artificial Intelligence (AI) technology which alters its traditional operation methods. AI systems have developed from their original purpose as administrative tools which assisted with case management and scheduling and legal research and backlog reduction into systems that now impact judicial decision-making processes. This development creates essential challenges which require solutions to maintain judicial freedom and ethical standards and fundamental constitutional principles. Judicial discretion has traditionally been rooted in human reasoning, contextual understanding, and moral judgment. The integration of AI tools particularly predictive analytics, risk assessment algorithms, and decision-support systems challenges the conventional boundaries of this discretion. The use of AI technology will improve legal processes through better efficiency and consistent outcomes and data-driven insights, but excessive reliance on AI technology will result in reduced access to personalized legal outcomes. The ethical issues create the main focus point for this entire process. The process faces threats to its fairness and legal equality because of problems which include algorithmic bias and operational secrecy and decision-making process opacity and absence of responsibility frameworks. The AI system depends on its training data because both the quality and the data need to be unbiased. Data that has been compromised will create a system of discrimination which prevents actual justice from being achieved. The use of AI technology as an administrative support tool will now become a decision-making strategy which requires the implementation of strict regulatory systems and human control and institutional protection mechanisms.

Key Words: *- Ethical AI , Judicial discretion , AI Courtrooms*

So, what does a judge's robe signify? Essentially, wisdom, neutrality and conscience that is guided by human experience. Nowadays, however, a new presence is quietly making its spot in the courtrooms, and that is Artificial Intelligence – not in black robes but in algorithmic codes. It predicts case outcomes, suggests sentences and also quietly whispers statistical data into the judge's ears . An unsettling question usually comes into the mind : bit by bit, are we slowly trading judicial discretion for machine-based decision- making? And if justice is really traded to algorithmic discretion, where does moral judgement, fairness, empathy and most importantly judicial independence go?

WHAT IS JUDICIAL DISCRETION

According to Black's Law Dictionary, *Judicial discretion can be defined as, "The exercise of judgment by a judge or court based on what is fair under the circumstances and guided by the rules and principles of law; a court's power to act or not act when a litigant is not entitled to demand the act as a matter of right."*[1] Thus, it can be said judicial discretion is the situation where a judge gives a ruling that cannot be deduced directly from the available laws and relies on personal judgment, in accordance with precedents, rules, and other circumstances, without being bound by them. Many times the Constitution has empowered the judiciary to exercise its discretion. This can be proved from many phrases be it "as courts deems appropriate" or "as the court thinks reasonable" and other similar language.[2]

ENTRY OF AI INTO COURTROOMS

AI was introduced for administrative efficiency, not decision making – according to a recent UNESCO survey 44% of the judicial operators are using AI tools such as Chat Gpt, Gemini etc. for work related tasks. [3]Artificial Intelligence is increasingly being integrated into judicial systems all over the world -while many experts advocated for its expanded use , others still remain doubtful about its benefit to judiciary .

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[1] Bryan A. Garner, Black's Law Dictionary (8th edn., West, 2004)
[2] Uttarakhand Judicial Academy, "Chapter 8", available at: https://ujala.uk.gov.in/files/Ch8.pdf (last visited on 5 Feb. 2026).
[3] UNESCO, "AI and Judiciary: Balancing Innovation & Integrity", available at: https://www.unesco.org/en/articles/ai-and-judiciary-balancing-innovation-integrity (last visited on 5 Feb. 2026).

ETHICAL CONCERNS

1. TRANSPERANCY: With reference to decision-making in law, one of the ethical concerns with AI systems, in particular, revolves around their lack of explanation and transparency. Complex decision-making, such as that done in the case of deep learning, simply results in the provision of accurate predictions, yet the basis of their predictions cannot be understood/ rationalized.
2. BIAS AND UNFAIR PROCEDURE: It should also be noted that bias can manifest itself through different forms such as racial bias, gender bias, socioeconomic bias, etc. To explain this further, if past data used to train an AI system reflects bias, prejudice, etc., then a bias may manifest itself through the AI system as well.
3. DATA PRIVACY AND SECURITY CONCERNS: Legal decision-making using AI requires huge amounts of data, which may contain private or secret information. The presence of this problem raises concerns about data privacy. Data protection needs to be a serious concern for legal professionals and AI developers, and proper steps should be taken to ensure the protection of the privacy rights of individuals and to comply with relevant law and regulations.

KEY AI APPLICATIONS IN DECISION MAKING AND LAW ENFORCEMENT

1. PREDICTIVE POLICING

   AI models are used to analyse crime trends, areas of high crime rates, and the behaviour of criminals, thereby enabling the authorities to take proactive steps.

2. AI FOR SURVEILLANCE AND INVESTIGATION Automated drones to monitor crime scenes and suspect movements. Facial recognition systems linked to national criminal records. AI-based forensic analysis to investigate the collected evidence and digital crime trails.
3. AI IN FIR FILING AND JUDICIAL

   AI-powered speech-to-text applications ease the process of FIR filing and recording in real time. AI is also improving witness testimony analysis and evidence evaluation.
4. DATA-DRIVEN CRIME TRACKING AND INTELLIGENCE SYSTEMS

AI improves the Crime and Criminal Tracking Network Systems (CCTNS). Integration with e-Prisons and e-Forensics.[4]

AI'S TRANSITION FROM ADMINISTRATIVE AID TO DECISION -MAKING TOOL

In the initial phase, Artificial Intelligence was introduced into judicial systems as a logistical and administrative aid that intended to increase efficiency without getting in the way of adjudicatory functions. The tools for transcription , case management and legally were constitutionally unproblematic as they did not affect the functioning of judiciary , which is vested in courts under the provisions of constitution .

However , the role of AI has expanded progressively . Modern day leverage large data sets of previous judicial decisions which inform predictive results for bail, conviction, and sentencing. Despite being technically classified as decision support mechanisms , their actual influence on decision-making results in what might be termed a viable "reasonable or statistically justified" decision.

Moreover, transformation of AI as an administrative aid to one that more directly shapes decision-making also raises issues of the principle of natural justice, and one of these principles emphasizes the "right to be heard." Most, if not all, AI-based systems today work as 'black boxes,' which makes it analytically difficult to trace or address the process by which such an assessment or decision was arrived at. Yet, while such aid can improve judicial expediency, transformation of AI into a decision-making influence should be met with constitutional constraint, as true and legitimate power of courts does not derive from accuracy and expediency, but from their commitment to constitutional ideals such as "human judgment, accountability, and reasoned discretion." It should be a facilitative tool and nothing more.

DATA INTEGRITY AND FAIRNESS IN AI -ASSISTED ADJUDICATION

The fairness of AI-assisted adjudication is inseparably linked to the quality, accuracy, and representativeness of the data used to train such systems. Unlike human judges, AI does not

[4] Press Information Bureau, Government of India, "Press Release", available at: https://www.pib.gov.in/PressReleasePage.aspx?PRID=2106239&reg=3&lang=2 (last visited on 6 Feb. 2026).

evaluate evidence normatively; it extrapolates patterns from historical datasets. Consequently, flawed data produces flawed justice. Empirical studies in jurisdictions using algorithmic risk assessment tools reveal that datasets frequently reflect existing social and institutional biases, particularly against marginalised communities. Judicial data is rarely neutral. Arrest rates, conviction patterns, and sentencing outcomes are shaped by socio-economic inequalities, differential policing, and unequal access to legal representation. When AI systems are trained on such data, they tend to reproduce these disparities, often categorising individuals from disadvantaged backgrounds as higher risk. This undermines the constitutional guarantee of equality before the law under Article 14, as algorithmic outputs may lead to differential treatment without a rational or individualized basis.

Data integrity issues also compromise procedural fairness under Article 21. Bail and sentencing decisions, which directly affect personal liberty, increasingly rely on predictive tools that generate probability scores. However, these scores are often derived from incomplete or outdated datasets, lacking contextual variables such as rehabilitation efforts or social circumstances. The resulting recommendations prioritise statistical likelihood over constitutional fairness, reducing judicial discretion to mechanical validation. Further, the opacity surrounding training data limits the ability of litigants to challenge algorithmic influence. Without disclosure of data sources, error rates, or representational gaps, affected individuals are denied meaningful participation in the adjudicatory process. This weakens adversarial scrutiny and conflicts with principles of natural justice and reasoned decision-making. Thus, AI-assisted adjudication risks transforming historical bias into judicial precedent unless strict safeguards are imposed. Ensuring data integrity through auditing, transparency, and representational correction is not a technical preference but a constitutional necessity. Without it, AI threatens to replace judicial fairness with statistical convenience, eroding the normative foundations of justice.

UNDERSTANDING FROM A CASE LAW PERSPECTIVE

The potential of AI as a consultative technology has been successfully utilized in the modern justice system, as clearly demonstrated in the case of *Jaswinder Singh v. State of Punjab*[5], wherein the judge consulted ChatGPT to assist him with broader legal perspectives on

[5] CRM-M-22496-2022 (P&H HC, Mar. 27, 2023)

jurisprudence related to granting bail to a defendant in cases related to cruelty. Other examples of AI technology have been successfully used as tools to assist judges with their research, as seen with the use of SUPACE or Supreme Court Portal for Assistance in Court Efficiency.[6]

NORMATIVE LIMITS ON THE USE OF AI IN JUDICIAL

For this technology to be successfully incorporated into the modern court system, constant development, monitoring, and ethical compliance are paramount. Ways to address this involve developing measures to address bias created by the algorithms, as well as the achievement of transparency with regard to the decision-making methods. In effect, the modernisation of the current court system using this technology can be a great opportunity not just to solve existing challenges faced by the justice system but also to envision what access to justice really means in this new age. In effect, this can be done while remaining guided by a well-thought-out approach to ensure accountability, inclusivity, and independence. Therefore, the technology can be used as a means to strengthen the existing jurisdiction of judges without replacing the wisdom, empathy, and discretion that only judges can apply.

CONCLUSION

The integration of Artificial Intelligence (AI) into modern court systems represents not merely a technological advancement but a fundamental shift in the administration of justice. In jurisdictions like India, where the judiciary is burdened by over 4.32 crore pending cases, AI presents a compelling solution to streamline court functions, reduce pendency, and improve access to justice. Tools such as SUPACE (for judicial research and data processing) and SUVAS (for multilingual translation of legal documents) have demonstrated how AI can enhance operational efficiency and inclusivity by automating routine tasks and breaking language barriers.

However, the integration of AI into judicial systems cannot be approached as a purely technical reform. At its core lies a critical intersection between technology, ethics, legality, and institutional trust. AI systems, being data driven, inherit the biases embedded in their training

[6] https://ijlsss.com/artificial-intelligence-and-judicial-integrity-evaluating-the-impact-risks-and-implications-of- ai-integration-in-modern-court-systems/

datasets biases that may be historically, socially, or institutionally rooted. This makes them susceptible to replicating patterns of discrimination related to caste, race, gender, religion, or socio-economic background. The deployment of such biased tools in judicial decision-making, particularly in sensitive domains like bail, sentencing, or case prioritization, poses a grave threat to the principle of equal protection under law and can lead to the legitimization of systemic inequities.

A pertinent illustration of AI's limitations is found in the Mata v. Avianca, Inc. case, where the use of ChatGPT for legal research led to the submission of fabricated case citations. The incident underscores the dangers of unverified reliance on generative AI tools and raises broader concerns about professional accountability and ethical responsibility in legal practice. Unlike human legal practitioners, AI systems are not subject to licensing requirements, judicial ethics, or professional conduct rules. This regulatory vacuum challenges the very notion of accountability in the event of erroneous, harmful, or biased AI-generated legal outputs. Moreover, the opacity of AI algorithms often described as "black boxes" can obscure the reasoning behind a decision or recommendation. In judicial contexts, this lack of transparency compromises the right to a reasoned judgment, a key tenet of natural justice. Without explainability, affected parties cannot challenge or appeal decisions effectively, undermining procedural fairness and legal certainty.

To navigate these challenges, it is imperative to establish a multi-layered regulatory and ethical framework that governs the design, deployment, and operation of AI in the judiciary. This framework must:

• Ensure data integrity and diversity in AI training sets to minimize biases

• Mandate transparency and explainability of AI outputs, particularly when they inform judicial decision-making

• Clearly delineate accountability for developers, deploying institutions, and end-users of AI systems

• Incorporate continuous monitoring and auditing mechanisms to evaluate AI performance over time

• Promote capacity-building and digital literacy among judicial officers and legal practitioners to ensure informed use of AI.

Institutions such as the Vidhi Centre for Legal Policy have rightly emphasized the importance of regulatory guardrails and judicial ethics in governing AI use. Their recommendations, which stress both constitutional safeguards and functional oversight, form a crucial basis for national policy development on AI in the legal domain. Ultimately, the deployment of AI in the court system must be rooted in the recognition that technology is a facilitator not a substitute for human judgment. While AI can accelerate procedural efficiency and democratize access to legal information, it cannot replicate the nuanced reasoning, empathy, moral discretion, or contextual interpretation that characterize human adjudication. The modern court must therefore adopt AI in a hybrid model where automation supports, but never overrides, judicial wisdom.

AI holds the potential to transform the delivery of justice making it faster, more accessible and potentially more consistent. Yet, without adequate ethical, legal, and institutional safeguards it also poses risks that could destabilize the very ideals it aims to uphold. The future of judicial integrity in the AI era will depend not merely on technological innovation, but on our collective commitment to justice, fairness, and human dignity. Ultimately, the future of justice in the AI era will not only depend on the technological developments we make but also on our dedication to the values enshrined in our constitutions, accountability, and human dignity. AI should remain a tool that supports justice and not one that undermines it.

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