

AI's influence on Media and Law.

AI in Criminal Justice System-Risk, Assessment and Sentencing.

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Abstract- AI as a tool to enhance today's Justice System is one of the most efficient source . The main perspective in developing AI is to reduce delay in delivering Judgment.

Right from registering FIR , conducting trial , recording statements and deciding the punishment necessary to be given for a particular nature of crime.

There are merits and demerits of involving AI .

Merits- 1. No delay in recording statements of victim.

2. Trial system can be improved as there will be no losses of evidence.

3. Efficiency in working .

4. Over burden of cases over courts can be reduced.

Demerits- 1. Evidentiary value of statements recorded will have to be admitted according to 65B of Indian Evidence Act.

2. Application of mind to understand the justice, good conscience and equity .

3. Infringement of privacy due to data collection.

4. Risk of suppressing the motive of Judiciary to protect the trodden and vulnerable group as AI cannot bifurcate human approach towards actions.

5. Technical issue like accident claims can be dealt under AI but same cannot be applied for Criminal Laws.

While concluding AI tool is used in other countries same is our idea in including AI in a vast country like India where all the laws abide by the Constitution and if we depend on AI for Justice it will shake the basic structure and also due to many lacuna the believe of people in justice system will be somewhat degrading. Prevention of Crime through AI can be carried successfully thus it is more efficient for the Police System rather than the Justice System. Analytical Methodology is followed in the above mentioned paper. It is totally the observation of writer.

Key words- AI, Justice, Efficiency, Criminal Justice System.

Introduction-

In today's era we cannot imagine ourselves without technology. It is at some point taking much of our time in doing work also in making our life comfortable, simplified and entertaining. Than why are we afraid of technology? We are a human are afraid of the getting controlled by machines. It is true that we want to control machines and that is the reality but now a days if we focus on our day to day living, there is no doubt that machines are indirectly having hold over human brain. According to technology we were living with machines which were developed for doing particular work but after the invention of "Artificial Intelligence" we will come up to the machines which can adapt, think , can conclude to reasoning and provide solution just like human being. Isn't it great to see the new change and how this new change can be a part of every field where human reach is difficult. Human brain is much more powerful no doubt yet we are unable to solve number of issues. So yes there should be proper implementation to resolve problem which are either human created or natural and the solution is AI.

Ray Kurzweil a well known futurist predicted that by 2045 we would have robots smart as humans . So we can imagine a future where the people would be more comfortable with machines than human. At the Darmouth Conference , John MacCarty coined the term Artificial Intelligence for the first time in 1956¹. So let's first understand the term AI . Which is a Science, where the tool developed in getting machines to mimic the behavior of human being . It is a combination of deep learning and machine learning with accurate analysis like for example object detection, natural language processing, expert system , robotics and much more . These combinations are at some places weak and strong at the other. We can classify it into three major categories 1. Weak , here the machine are having algorithm to do a work of limited nature. Like Alexa 2. Strong , here the machines are able to understand the logic and can frame their own

¹ Swapnil Tripathi and Chandni Ghatak What is AI?

conclusion for example chat gpt 3. Super strong, these machines will possible show behavior like humans . Which will also make machine in a category of advanced aspects and that will be dominating on Human. Today AI is considered as Strong one .

Research Gap-

Advocacy and Justice delivery system need to be firm and must go with time . Change which can be an advantage for the upliftment of criminal justice system . But moreover we require a system that is prima facie precise that is our police system where we strongly require proper training and learning of new technology so that lack of evidence, tampering of evidence or misuse of law can be combat. AI is a new future of our record and order system.

Literature Review-

Science is something which teaches us to learn the meaning and logical reasoning behind everything that happens and may happen. We fear human mind as the power of human brain is infinite and many a times it was used for destruction but on the other had every time when human brain has worked hard to invent something it has turned to be a blessing for all. Most important the connectivity, medical expertise, robotics, automatic machinery everything is a result of scientific technological development. According to the historical development during Ancient times we believe in law, literature and philosophy but in medieval period we were more towards logical reasoning, scientific and technological development and in the Modern era we see how the technology has taken the picture of being advanced.

Artificial Intelligence is no more the future but it has become the present . We need to understand that the pandemic was a lesson for all to prepare for severe problems and we cannot totally depend on hard work but we need a proper mechanism where the programming in machines can understand, analyze and derive to a solution. On the serious note AI is already been used by Advocates for drafting , submitting authentic case laws the only fault observed here is the hallucination of AI which can develop fake case laws. This issue can be cured but imagine that the statement recorded, mediation , judgement framing, probability of punishment to be given can be managed by AI. This can be understood by listing the merits and demerits of AI in legal world.

Merits of AI-

1. Tampering of evidence, changing the statement recorded, lengthy time in deriving charge sheet has become a criticism of police system. In criminal law police plays a very important role. Delay in filing of FIR can decrease the possibility of punishing those who do crime . Today we see that everywhere there are CCTV which hasn't reduced the number of crime rather it has helped to record the crime. On the other hand if a system can capture and arrest the wrong doer immediately when caught can decrease the crime rate . Once the evidence is recorded by AI which cannot be edited number of criminals can be caught.

2. Victim's right are a matter of concern but how can that be secured through AI? Immediate medical assistance, counseling, security protection also the recording of statements can be carried out with the help of AI . Why will there be corruption and why will justice be a matter of cost to all. It is the natural right. It will help to keep proper record of all the trials which can be attained by victim at any time and place . No such necessity to come to the court on every date .

3. Filing of case is very difficult as we see there are number of Bar Association which are not supportive towards outsiders or even to foreign advocates to practice. The online filing of cases was much criticized until the Supreme Court made it compulsory for all the court to upgrade e-filing system and ought to be followed. This is one of the major stem in improving the process of filing of cases.

4. Court seem to be overburdened by cases that the client have to go through lengthy process and judges thought increased in number but state does not seem capable to fill the requirements as this is more costlier. Same as there are tribunals to reduce the burden there can be involvement of AI to record the proceedings of trial with judges not by replacing judges. The human intelligence cannot be equated with the Artificial Intelligence, in judicial system when an approach is made to a legal expert he has to collate the documents and also make his own assessment on the probability of success obviously upon application of law relating thereto . Such assessment takes time and cannot be expected on the click of a bottom like AI. ² Thus clearly showing the advantages of bring AI into picture.

Demerits of AI-

1. Evidence Act clearly states that the statements recorded by electronic medium should be admitted as primary only the certificate of 65B is attached thereto . If same law is applied to AI it will be difficult for considering it as primarily or else every time there will be proper assessment and this will again be a time consuming as we are not

² Mina Deb and others v. Pradeep Rajan Deb and others 2020 online cal SCC 330

having center in every state or district to provide with the certificate and forensic development will be necessary first to bring about a big change.

2. We humans are living beings and possess the ability to understand the pain, happiness or any other feeling which are absent in machines though they can provide with best logical reasoning but absence of soul will not bring a conclusion which will contain equity, justice and good conscience. Rather such judgments given by AI will be lifeless without the soul.

3. Privacy plays a vital role in every person's life. AI is a machine which can be hacked as there are numerous data. Personal, State affairs, Internal data. All this which can be used to defame or destroy country. Thus there is a big fear and a high risk of destruction caused to the information stored. Also there need to be enhanced security system which can be limited to certain people and an authorized number of individuals at every court who are experts in data protection.

4. Judiciary has always successfully tried to protect the rights of every individual. Justice hurried is justice buried and not even a single innocent be punished this what a democratic country like India believes. We must understand that judicial activism is the necessary for the welfare of society and with the advent of AI it will be very difficult to overcome the power of machines over people. The Constitution itself talks about welfare of all and so it is necessary to keep every perspective which are abiding in nature to be not controlled by the power of non living.

5. It is necessary that the AI can very well handle the Civil or Tribunal matters of Accident Claims but how can we be dependent on AI for Criminal Assessment due to number of reasons. Thus it can derive a judgment depending on previous judgments but the nature of every case is different so cannot imagine ourselves been tried by AI also the risk of delivering of judgment not abided by the citizens.

Haw do we see the future of AI?

AI will change the living of people in almost few years and so we need to start with inculcating AI in Police Systems where the records can be traced properly by the authentic machine. It is necessary to give compulsory paper and training for the police system as it is difficult for them to even catch the crimes which takes place around them regarding technology so if the base is strong we will soon be able to control the rate of crime because much of the crimes take place on the aspect of weak law and order, non execution and improper registration of crime.

Conclusion

While concluding AI tool is used in other countries same is our idea in including AI in a vast country like India where all the laws abide by the Constitution and if we depend on AI for Justice it will shake the basic structure and also due to many lacuna the believe of people in justice system will be somewhat degrading. Prevention of Crime through AI can be carried successfully thus it is more efficient for the Police System rather than the Justice System. Analytical Methodology is followed in the above mentioned paper. It is totally the observation of writer.