

CHATGPT: A NEW ERA IN LEGAL RESEARCH AND ITS SUSTAINABLE IMPACT ON JUDICIAL DECISION MAKING

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Technological advancements have led us to the revolutionary Artificial Intelligence tool of ChatGPT. Usage of ChatGPT is revolutionizing several fields like education, etc. and has now grasped the legal field. This work analyses the methodology of the use of ChatGPT in judicial decision-making process in the Indian Legal Jurisprudence. The authors use specific examples of sovereign judiciaries who have used ChatGPT in decision making process and try to highlight the importance of human intervention. The authors have discussed many parameters on which ChatGPT might not prove to be dependable, therefore, leading to inaccuracies. The authors do not, in any manner, refrain from accepting the brilliance of this technology. However, legal field may not reach its goal of justice without human intervention and hence, a caution needs to be maintained while using ChatGPT for judicial decision-making. The authors call for a right of contestability in the currently existing legislations, and hope for the law to advance in its field by carefully crafting a new data protection bill which can cater to the specific needs of individual technological advancement.

I. INTRODUCTION

In the land of diversity and rights,

Chat GPT brings a new light,

Justice prevails with digital might,

Indian society embraces the sight,

Chat GPT and Judiciary make things right.¹

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Chat Generative Pre-Trained Transformer ('ChatGPT') and other such artificial intelligence ('AI') based technological developments have emerged as significant tools with the potential to revolutionize the Indian legal system. Although technology has contributed to automating and streamlining legal processes such as research, document analysis, case management, and contract review, its impact on the justice system needs to be thoroughly reviewed in examining its potential benefits and challenges. The Indian legal system is plagued by multiple issues including case backlogs, delays, and inherent biases that impede the efficient delivery of justice. The use of AI in legal research and decision-making may unintentionally perpetuate these existing biases, which could further worsen inequalities within the legal system due to the way they are designed and developed.

AI systems are being used as decision-makers in various fields. The utilization of AI systems for automated decision-making has been on the rise, leading to significant implications for people. The worldwide adoption of AI in the justice system is rapidly increasing, ranging from the widespread use of the DoNotPay chatbot lawyer mobile application to the implementation of robotic judges in Estonia that preside over small claims, as well as the utilization of AI judges in Chinese courts.² However, this increasing use of AI in decision-making has raised concerns over its potential negative impacts on society,³ including the erosion of democratic rule of law and, the violation of fundamental human rights related to dignity and self-determination.⁴

In a country like India that has a strong digital divide, it might be interesting to see how the introduction of an AI adjudication mechanism would impact people's perception of the law, which can promote consistency and reduce human bias in decision-making. The positive effect of this would be an enhancement in

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¹ *The Digital Justice*, Poetry prompt given to ChatGPT on 6th May 2023.

² Tech Desk, 'World's First Robot Lawyer will Tell Defendant what to say in Upcoming Court Case' (*The Indian Express*, 11 January 2023) <<https://indianexpress.com/article/technology/worlds-first-robot-lawyer-will-tell-defendant-what-to-say-in-upcoming-court-case-8374910/>> accessed 13 May 2023; Tara Vasdani, 'From Estonian AI Judges to Robot Mediators in Canada & UK' (*LexisNexis Canada* 2019) <<https://www.lexisnexis.ca/en-ca/ihc/2019-06/from-estonian-ai-judges-to-robot-mediators-in-canada-uk.page#:~:text=Estonia's%20pilot%20%E2%80%9CAI%E2%80%9D%20judge%20arrived,of%20less%20than%207%2C000%20Euros>> accessed 13 May 2023; Tara Vasdani, 'Robot Justice: China's Use of Internet Courts' (2020) *LexisNexis Canada* <<https://www.lexisnexis.ca/en-ca/ihc/2020-02/robot-justice-chinas-use-of-internet-courts.page#:~:text=The%20%E2%80%9Csmart%20court%E2%80%9D%20includes%20non,via%20a%20digital%20court%20hearing>> accessed 13 May 2023.

³ Crawford, K, Dobbe, R, & Dryer, T, et al. 'AI now 2019 Report, Technical Report' (2019) AI Now Institute, <https://ainowinstitute.org/AI_Now_2019_Report.html> accessed 8 June 2023.

⁴ Chiusi, F, Fischer, S, & Kayser-Bril, N, et al. 'Automating Society Report 2020' (2020) Tech. Rep., Algorithm Watch, <<https://automatingsociety.algorithmwatch.org/>> accessed 8 June 2023.

the perception of a fair and impartial legal system where judgments are based on merit rather than personal factors. Further, AI algorithms can provide transparent decision-making processes by outlining the rationale behind their judgments in objective terms. This would also improve public understanding of legal decisions and build trust in the system. It is also perceived that AI-prompted adjudication could also reduce the backlog of cases and expedite the resolution process. This can lead to faster outcomes and reduced costs, making the legal system more accessible to individuals who may have otherwise faced barriers due to financial or logistical constraints.

However, while AI systems can offer numerous benefits, there may be concerns regarding their accuracy, accountability, and potential for errors. If AI judgments are perceived as incorrect or unfair, it could lead to scepticism and a loss of confidence in the technology and the legal system as a whole. The introduction of AI adjudication may require legal professionals to adapt their roles and responsibilities. Lawyers and judges may need to acquire new skills to effectively interact with AI systems and understand the underlying technology.

It would not be wrong to say that AI adjudication will have a considerable impact in areas involving individual rights, including criminal justice and appellate decision-making, where discretion, morality and “equitable justice” are considered very important.⁵ An important comprehensible aspect is that AI navigates its answers to judicial questions based on the vast amount of data available to it, however, equitable justice may be impacted due to such solutions.⁶ The factor that has to be acknowledged here is the lack of explanations and reasoning behind the solutions presented by an AI, and the solution would be a result of existing laws and precedents, but the amalgamation of circumstances might not be considered by AI.

This article aims to explore the novel AI-driven bot, ChatGPT, to assess and observe its viability, usefulness, and impact on the Indian legal system. Using AI to provide services requires a strong emphasis on individual rights, as ensuring fair and non-discriminatory access to the justice delivery system is an important policy objective.

The paper begins by enunciating the meaning, scope, and the apparent benefits that AI based models offer for the legal system. The paper then highlights the two situations where ChatGPT was used by judges to assist their decision-making process in the courts. The next part of the paper has then been developed on the basis of specific prompts given to the ChatGPT in the form of questions to create an understanding of the extent to which reliance could

⁵ Richard M Re & Alicia Solow-Niederman, ‘Developing Artificially Intelligent Justice’, 22 *Stan. Tech. L. Rev.* 242 (2019).

⁶ *ibid.*

be placed on it. After a critique of the answers given by the Bot to the carefully curated questions, the paper concludes with the need for contestability when incorporating AI based language models in the justice system.

In order to have a direct interface with the application, the authors have used an interactive methodology whereby specific prompts have been given to ChatGPT. Based on the answers received, an analysis has been done. The paper acts as a guide to the legal fraternity, highlighting the scope and limitation of the usage of this application. The liability regime surrounding such applications is still developing and, therefore, the question of authorship of the answers given by the application also remains dubious. The authors have assumed that it is the AI language model that is generating the responses. This is corroborated by ChatGPT itself when asked, “Who is the author of ChatGPT answers?”. The bot responded: “I, ChatGPT, am the author of the answers provided to you. As an AI language model, I generate responses based on my training data and algorithms”.

II. ARTIFICIAL INTELLIGENCE AND CHATGPT

Suchman defines AI as, “[a] cover term for a range of techniques for data analysis and processing, the relevant parameters of which can be adjusted according to either internally or externally generated feedback”.⁷ In November 2022, OpenAI, a non-profit wing of the American AI research laboratory, introduced the Chat Generative Pre-Trained Transformer or ChatGPT which is a chat bot based on OpenAI’s GPT-3.5 and GPT-4 families of large language models. It has been developed using both supervised and reinforcement learning techniques. It is a highly advanced AI language model and is designed to generate natural language text that is clear, comprehensible and contextually appropriate to a given input. OpenAI is a research organization that was founded in 2015 by a group of prominent figures in the technology industry, including Elon Musk, Sam Altman, Greg Brockman, and Ilya Sutskever.⁸

There have been several deliberations surrounding the “fourth industrial revolution”, which highlights the mechanization, automation and the pervasive use of AI and machine learning that is slowly replacing the human force. ChatGPT and other such AI-based tools have boosted a revolution in the legal and justice system in India. For instance, “Lawyered” is a legal search engine that could function as a legal assistant for lawyers by providing research and generating documents through an analysis of a vast database of judgments and legal statutes. Similarly,

⁷ Lucy Suchman, ‘Corporate Accountability’, Robot Futures <<https://robotfutures.wordpress.com/2018/06/10/corporate-accountability/>> accessed 14 May 2023.

⁸ OpenAI, ‘GPT-3: Language Models are Few-Shot Learners’ <<https://openai.com/blog/gpt-3-ai-language-model/>> accessed 13 May 2023; OpenAI, (n.d.). ‘About OpenAI,’ <<https://openai.com/about/>> accessed 13 May 2023; Merkl-Davies, D M ‘AI in Legal Research: A Review of Developments and Current Challenges’ *Legal Information Management* (2021) 21(2) 131-144.

there are tools like CaseIQ, which is an AI-powered platform that provides insights on how judges have interpreted legal statutes and laws in previous cases. This platform helps lawyers develop legal strategies and develop arguments which are then used in the court. Such technologies are also used to review contracts and identify potential risks and legal issues. They can help lawyers and businesses negotiate and draft contracts more efficiently and accurately. For instance, Kira Systems is an AI-based platform that can extract and analyze information from contracts. This platform helps lawyers review contracts quickly and accurately, ensuring that all legal requirements are met.⁹ AI-powered chatbots and virtual assistants can provide legal guidance and support to individuals by answering questions and providing guidance through basic legal information. Examples of such tools include DoNotPay and LawGeex.

Laws while, capable of change, bring in some rigidity and therefore, the legal industry is usually resistant to change with stakeholders such as academics, law firms, judges, and regulators united in defending the status quo while paying lip service to innovation. The lack of adaptation has caused erosion of public trust, a slow and costly judicial process, shortcomings in legal education and, an access to justice crisis. However, the emergence of AI is beginning to transform the legal landscape. AI has the potential to democratize legal services and revolutionize the archaic judicial system, particularly in the realm of “people law” which serves individuals and small businesses. It educates and empowers users to understand and enforce their legal rights, draft documents, and assess legal risks without extensive legal knowledge and excessive reliance on lawyers. By cutting through complexity and high costs, AI tools like ChatGPT have the potential to increase access to justice and demystify legal processes. While the public may readily embrace AI tools, the corporate sector, especially law firms, may be more hesitant. Corporate legal teams, in contrast to law firms, often operate as business leaders with legal backgrounds, speaking the language of business and focusing on value creation and digital transformation. They may initially assign AI tools like ChatGPT to “first draft” tasks. Some progressive legal teams recognize the importance of early adoption of digital technology, while law firms may view these tools as threats to billable hours and client-subsidized junior lawyer training. However, there is an opportunity for law firms to differentiate themselves by embracing AI technology, creating new practice areas, attracting top talent from multiple disciplines, liberating lawyers from mundane tasks, investing in agility training, and providing client-oriented solutions that advance business objectives. The Big Four accounting firms and tech giants like Amazon, Microsoft, and Google also have the potential to reshape the legal industry by leveraging their resources and expertise to align legal functions with enterprise goals and drive transformation. Overall, while AI will not eliminate lawyers, it will undoubtedly change their

⁹ Bhavya Bhat, ‘The Viewpoint: How can Lawyers Leverage ChatGPT for their Practice?’ (*Bar & Bench*, 28 January 2023) <<https://www.barandbench.com/law-firms/view-point/the-viewpoint-how-can-lawyers-leverage-chatgpt-for-their-practice>> accessed 13 May 2023.

roles, tasks, organizational structures, training, and customer focus. The legal landscape is poised for a significant shift as new technologies continue to impact business and law, increasing the likelihood of Big Tech's entry into the sector and fundamentally altering the legal profession as we know it.

The legal market can be divided into two distinct segments: "people law," which serves individuals and small and medium-sized enterprises (SMEs), and "corporate law," which caters to large companies and wealthy individuals. The impact of ChatGPT, an AI tool, will vary for each segment, with a particularly significant effect expected in people law, especially if ChatGPT and similar tools continue to be easily accessible and affordable. These tools have the potential to democratize the provision of legal services, alter the responsibilities of lawyers, and bring about transformative changes in the outdated judicial system.¹⁰

While the abovementioned processes assist the legal system, it is when the technology gets embedded in the decision-making process adopted by the judicial system that one has to be cautious.

III. USAGE OF CHATGPT IN JUDGEMENTS: TWO CASE ANALYSIS

In a recent judgement, the Punjab and Haryana High Court used ChatGPT to assist in a bail matter.¹¹ Justice Anoop Chitkara used the artificial intelligence tool to refer to the jurisprudence in the matters of bail in cases where the defendant is alleged of 'assault with cruelty'.¹² The Judge used specific prompts addressed to the artificial intelligence tool, such as, 'What is the jurisprudence on bail when the assailants assault with cruelty?'¹³ to which the chatbot replied, "The jurisprudence on bail for cases where the assailants have assaulted with cruelty will depend on the specific circumstances of the case and the laws and regulations of the jurisdiction where the case is being tried." The chatbot added,

"In general, if the assailants have been charged with a violent crime that involves cruelty, such as murder, aggravated assault, or torture, they may be considered a danger to the community and a flight risk. In such cases,

¹⁰ Cohen, Mark A 'How Transformative will Generative AI and other Tools be for the Legal Industry?' (*Forbes*, 23 January 2023), <<https://www.forbes.com/sites/markcohen1/2023/01/23/how-transformative-will-generative-ai-and-other-tools-be-for-the-legal-industry/?sh=636f186b1433>> accessed 13 June 2023.

¹¹ Rakhi Bose, 'Dawn of AI: As ChatGPT Enters Courts, a Look at the Question of Jobs and Ethics' (*Outlook India*, 2 April 2023) <<https://www.outlookindia.com/national/in-the-crosshairs-chat-gpt-the-job-market-and-the-dawn-of-ai-news-275505>> accessed 13 May 2023.

¹² Shagun Suryam, 'Punjab and Haryana High Court uses ChatGPT in Bail Order' (*Bar and Bench*, 27 March 2023) <<https://www.barandbench.com/news/litigation/punjab-haryana-high-court-uses-chatgpt-bailorder>> accessed 13 May 2023.

¹³ Shivam Nandan Upadhyay, 'ChatGPT takes over Legal' (*Analytics India Magazine*, 3 April 2023) <<https://analyticsindiamag.com/chatgpt-the-new-agent-of-law-and-order/>> accessed 13 May 2023.

the judge may be less inclined to grant bail or may set the bail amount very high to ensure that the defendant appears in court and does not pose a risk to public safety.”

The chatbot also highlighted the relevance of presumption of innocence as a core principle emphasizing on the entitlement to bail.

“The severity of the assault, the defendant’s criminal history and the strength of the evidence against them are all factors that a judge will consider when deciding whether to grant bail. It is important to note that the presumption of innocence is a fundamental principle of the justice system, and all defendants are entitled to bail unless there are compelling reasons to deny it. Therefore [,] even in cases where the assailants have assaulted with cruelty, they may still be granted bail if the judge determines that they do not pose a risk to the community or a flight risk.”

While the bench accessed ChatGPT, the references provided by it were not considered as an expression of opinion. The bench also observed that ChatGPT references were only accessed to get a broader picture of jurisprudence.

The authors of this paper asked the bot the same question again on 6th May 2023. The Bot gave the following answer:

“The jurisprudence on bail when the assailants’ assault with cruelty would depend on the specific circumstances of the case and the applicable laws and regulations in the jurisdiction where the offense was committed. In general, bail is a discretionary decision that is made by a judge or magistrate based on a variety of factors, including the nature and severity of the offense, the defendant’s criminal history, the risk of flight, and the likelihood that the defendant will appear for trial. Assault with cruelty is typically considered a serious offense, and judges may be less likely to grant bail in such cases, particularly if there is evidence that the defendant poses a risk to public safety or is likely to flee. However, every case is unique [,] and judges must weigh all of the relevant factors before making a decision on bail. It is possible that a defendant accused of assault with cruelty could be granted bail if the judge determines that the defendant does not pose a flight risk and is not a danger to public safety. It is important to note that the decision on bail is ultimately up to the judge or magistrate and may be subject to appeal or review by higher courts.”

Any ChatGPT user would observe that every time you ask the same question, it would re-phrase the answer or provide a distinct one. The answers would depend on the prompt i.e., the question or statement that you pose to the Bot, and it will give you a reply.

Similarly, in another instance, Judge Garcia in Colombia used ChatGPT to decide upon a medical rights case of an autistic child.¹⁴ In this case, the judge prompted the artificial intelligence tool with, 'Is autistic minor exonerated from paying fees for their therapies?'.¹⁵ The bot answered in the affirmative, 'Yes, this is correct. According to the regulations in Colombia, minors diagnosed with autism are exempt from paying fees for their therapies.'¹⁶ She noted that "These texts created by AI are not intended to take the place of the judge's ruling in any manner. The goal is to reduce the amount of time needed to draft decisions after verifying the data provided by AI."¹⁷ On 6th May 2023, when the same question was asked to the Bot, the following answer was received:

"In Colombia, the government provides certain health care services and subsidies for individuals with disabilities, including autism. However, whether an autistic minor is exempted from paying fees for their therapies would depend on the specific circumstances and the policies of the healthcare provider. In general, healthcare providers in Colombia are required to provide services to individuals with disabilities on an equal basis with other patients, and they may not discriminate against individuals with disabilities by charging them higher fees or denying them access to services. However, healthcare providers may charge fees for services that are not covered by government subsidies or health insurance plans, and these fees may vary depending on the provider and the specific services required. To determine whether an autistic minor is exempted from paying fees for their therapies, it would be necessary to review the specific policies of the healthcare provider and the applicable laws and regulations in Colombia regarding disability rights and healthcare access."

The second time, the answer has not been given as an "affirmative" but only as a reference to begin with. Therefore, the fact that the same bot gave different answers for the same question implies that one must be cautious while using ChatGPT for decision-making. As both the judges pointed out, it can only aid the process. The absolute authority of any answer is neither backed by literature nor has a complete and accurate data set to show blind faith in AI. This has been recently substantiated by the incident where a New York based lawyer had to face a hearing as his colleague in the law firm used ChatGPT for legal research. The cases referred by the lawyer through the use of ChatGPT did not exist and were

¹⁴ *ibid.*

¹⁵ 'Colombian Judge uses ChatGPT in Ruling on Child's Medical Rights Case' (*CBS News*, 2 February 2023) <<https://www.cbsnews.com/news/colombian-judge-uses-chatgpt-in-ruling-on-childs-medical-rights-case/>> accessed 13 May 2023.

¹⁶ *ibid.*

¹⁷ Sounak Mukhopadhyay, 'US Court Uses ChatGPT to Deliver Ruling' (*LiveMint*, 15 February 2023) <<https://www.livemint.com/news/world/amid-controversy-us-court-uses-chatgpt-to-deliver-ruling-11676431390875.html>> accessed 13 May 2023.

made up. This, in itself, highlights the need for constant verification of data and reliability issues.¹⁸

In addition to this, any information that the Bot gives could also perpetuate bias in the mind of the decision makers. This has been largely seen in the United States of America. Not through ChatGPT but in the *State v. Loomis* case¹⁹ in the American context serves as a cautionary example of the use of AI systems in criminal justice. The case involved the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) algorithm, which identified Loomis as a high-risk individual likely to re-offend. The initial Court denied Loomis's request for parole based partly on the COMPAS recommendation. However, in the appeal, the Supreme Court of Wisconsin ruled that the COMPAS recommendation alone did not violate Loomis's due process rights and was not the sole basis for denying parole. The Supreme Court of Wisconsin, in upholding the constitutionality of the COMPAS algorithm, overlooked the potential influence of the 'automation bias.'²⁰ This bias refers to the tendency for decision-makers to place significant weight on recommendations provided by high-tech tools, making it difficult for them to refute such recommendations. Despite being aware of the potential inaccuracies, incompleteness, or errors in automated recommendations, decision-makers often rate them more positively than they should. The court's ruling implied that the lower court had the option to deviate from the algorithmic risk assessment, disregarding research from social psychology and human-computer interaction that highlights biases inherent in all algorithmic decision-making systems.²¹ This failure to consider the psychological and interactional aspects overlooked the challenges faced by decision-makers when countering algorithmic recommendations.²² In summary, the *Loomis v. Wisconsin* case demonstrated the need to study the limitations and associated biases in using AI system for criminal trials, especially the 'automation bias,' to ensure fair and just decision-making.²³

It is also being seen that courts in various jurisdictions, including the USA, have been using AI systems for assessing recidivism likelihood and flight risk of

¹⁸ Divyanshi Sharma, 'Lawyer Faces Trouble after using ChatGPT for Research, AI Tool comes up with Fake Cases that never Existed' (*India Today*, 28 May 2023) <<https://www.indiatoday.in/technology/news/story/lawyer-faces-trouble-after-using-chatgpt-for-research-ai-tool-comes-up-with-fake-cases-that-never-existed-2385542-2023-05-28>> accessed 9 June 2023.

¹⁹ *State v Loomis* 881 NW 2d 749 (Wis. 2016).

²⁰ In appealing to the United States Supreme Court, the Court denied the writ of certiorari, thus declining to hear the case, on 26 June 2017. *Loomis v Wisconsin*, 881 N.W.2d 749 (Wis. 2016), cert. denied, 137 S. Ct. 2290 (2017).

²¹ Freeman, K 'Algorithmic Injustice: How the Wisconsin Supreme Court failed to Protect Due Process Rights in *State v. Loomis*' (2016) NC J. Law Technol. 18(5), 75–106.

²² Cummings, ML 'Automation Bias in Intelligent Time Critical Decision Support Systems, (2014) American Institute of Aeronautics and Astronautics' <<https://web.archive.org/web/20141101131337/http://web.mit.edu/aeroastro/labs/halab/papers/CummingsAIAAbias.pdf>> accessed 13 May 2023.

²³ Završnik, A Criminal Justice, Artificial Intelligence Systems, and Human Rights (2020) ERA Forum 20, 567–583.

individuals involved in a pre-trial detention and other such procedural issues like bail and parole.²⁴ For instance, the Arnold Foundation algorithm, which is being used on 21 jurisdictions of USA, predicts the behaviour of the defendants during pre-trial phase through a data of around 1.5 million criminal cases. Florida has used similar machine learning algorithms for the determination of bail values.²⁵ However, it is important to consider that while this data may seem compelling, the decisions made by AI systems may not necessarily be more just. Each case possesses unique facts and circumstances that extend beyond the limited parameters considered by the algorithm, which could significantly influence the deliberation process. Continuous improvements are thus necessary. Furthermore, it is essential to question the desired outcome and optimization goals of deploying AI based models in criminal justice. While reducing crime is important, procedural fairness holds equal significance. This leads back to the application of “equitable justice” as highlighted in the beginning of this article.

Several European countries, such as Poland, Serbia, Slovakia, and the Asian Country of Georgia, have been allocating cases using an automated decision-making system.²⁶ Since these systems lack transparency, it prevents independent audit and monitoring. Concerns arise regarding the randomness of these systems and their susceptibility to manipulation.²⁷ While not directly involved in the case, management and case allocation without transparency models could still impact the right to a fair trial. A study called “alGOvrithms —State of Play” pointed to the fact that none of the four countries give any access to the algorithm or source code that is being deployed for the purpose of case allocation.²⁸ Another development is the funding given by the Ministry of Justice in Estonia to design a robot judge that can decide on small claim disputes that are below 7,000 euros.²⁹ The concept involves parties uploading relevant information and documents, and the AI robot judge issuing a decision that could be appealed, i.e., contested with the involvement of a human judge.

²⁴ Dewan, S ‘Judges Replacing Conjecture with Formula for Bail’ (*The New York Times*, 2015) <<https://www.nytimes.com/2015/06/27/us/turning-the-granting-of-bail-into-a-science.html>> accessed 15 June 2023.

²⁵ Eckhouse, L Big Data may be Reinforcing Racial Bias in the Criminal Justice System (*Washington Post*, 2017) <https://www.washingtonpost.com/opinions/big-data-may-be-reinforcing-racial-bias-in-the-criminal-justice-system/2017/02/10/d63de518-ee3a-11e6-9973-c5efb7ccfbod_story.html> accessed 13 June 2023.

²⁶ Kanduč, Z ‘Družbena kriza, nacionalna država in ‘Varnostno Vprašanje’ v Kriminološki Perspektivi’ J. Crim. Criminol 62(2), 141–154 (2011).

²⁷ Kleinberg, J, Lakkaraju, H, et.al ‘Human Decisions and Machine Predictions’ (2018) Q. J. Econ. 133, 237.

²⁸ Kehl, DL, Kessler, S.A. Algorithms in the Criminal Justice System: Assessing the Use of Risk Assessments in Sentencing (2017).

²⁹ Mari, A, ‘DCMS Announces New Funding for Prison Coding Skills’ (*Computer Weekly*, 15 March 2019). <<https://prisonstudies.us14.list-manage.com/track/click?u=cb51806b184b825cd5f587a8a&id=da236c42f8&e=134997c2cd>> accessed 6 May 2023.

We can say that these instances reflect that AI tools have found their space in the legal field and, their usage by the judiciary reflects the generation of belief and digital literacy among judges. However, there is heavy skepticism in the usage of ChatGPT in legal decision making.

IV. PROMPTING CHATGPT FOR JUSTICE: USE AND ANALYSIS

Prof. Andrew Perlman used ChatGPT prompts in his article in ‘The Practice Magazine’ reflecting the efficiency and advancement in the field of technology and its impact in the legal field.³⁰ His article provides an essential perspective towards technology and its utility in legal research. The usage of ChatGPT by Professor Perlman shows that when given the right prompt the AI tool can produce efficient and relevant data. In this segment of the paper, the authors prompted the bot with questions during April 2023 and then specifically on 6 May 2023 and analysed the answers provided by the bot and the issues associated with them, if any. Following from the above arguments, below are the prompts that were given to the Bot to understand the depth and quality of research that a bot can perform for legal professionals. In order to limit the scope of this paper, prompts relating to Bail were added:

Prompt 1: How does Chat GPT help in legal research?	Prompt 2: How can Chat GPT help the Indian judicial system and judiciary?	Prompt 3: How to measure the credibility of ChatGPT in legal research?
Prompt 4: Is it possible to take away human intervention in case of legal decision making?	Prompt 5: Can ChatGPT draft bail applications?	Prompt 6: Is ChatGPT capable of giving correct Bail orders?
Prompt 7: Does ChatGPT have access to all the decisions of Supreme Court and High Court for precedents?	Prompt 8: What is the latest judicial decision of Supreme Court of India and High Courts on bail?	Prompt 9: How many Supreme Court of India and High Court Decisions do you have access to?
Prompt 10: Has any judge used ChatGPT for assistance in judicial decision making? Based on real time and latest news, has any court used ChatGPT in their legal research?	Prompt 11: What is the liability of Chat GPT in case it gives an inaccurate information or fact?	

³⁰ Andrew Perlman, ‘The Implications of ChatGPT for Legal Services and Society’ (2023) The Practice, Centre on the Legal Profession, Harvard Law School <<https://clp.law.harvard.edu/knowledge-hub/magazine/issues/generative-ai-in-the-legal-profession/the-implications-of-chatgpt-for-legal-services-and-society/>> accessed 13 May 2023.

PROMPT 1

When asked “How does ChatGPT help in legal research?” the bot responded, “As an AI language model, ChatGPT can assist in legal research by quickly retrieving relevant legal information from vast amounts of data available online.” It then suggested some ways in which it can help in legal research:

“1. Answering legal questions: ChatGPT can understand and respond to natural language questions related to legal topics. It can provide quick and accurate answers to queries such as “What is the statute of limitations for breach of contract in California?”

2. Legal research assistance: ChatGPT can help with legal research by generating relevant case law summaries and highlighting key legal concepts in legal documents. It can also suggest additional sources of information for a specific legal topic.

3. Document analysis: ChatGPT can analyze legal documents such as contracts, legal briefs, and pleadings to identify potential issues, inconsistencies, and legal arguments. It can also help in drafting legal documents by suggesting relevant legal clauses.

4. Predictive analysis: ChatGPT can analyze legal data to identify patterns and trends that can be used to make predictions about legal outcomes, such as the likelihood of success in a particular case.

Overall, ChatGPT can help legal professionals save time and improve the accuracy of their legal research by providing quick access to relevant information and insights”.

PROMPT 2

Since it pointed out myriad ways in which it could assist in legal research, prompt 2 inquired, “How can Chat []GPT help the Indian Judicial System and judiciary?” To this it boasted, “Chat []GPT can be a useful tool in the Indian Judicial System and judiciary in a number of ways.” It then gave some examples:

“Legal research: Chat GPT can be used as a powerful tool to assist in legal research. It can provide quick and accurate access to a vast amount of legal information, including case law, legal statutes, and academic literature. This can help lawyers, judges, and other legal professionals to save time and effort in researching legal issues and precedents.

Case management: Chat GPT can also be used to assist in case management. It can analy[z]e large amounts of case data and provide insights

that can help judges and lawyers to better understand the patterns and trends in legal cases. This can help to improve the efficiency of the judicial system and facilitate better decision-making.

Legal education: Chat GPT can also be used as a tool for legal education. It can help to disseminate legal knowledge and information to a wider audience, including law students and members of the public who are interested in learning more about the legal system. This can help to promote greater understanding and awareness of legal issues and help to promote a more informed citizenry.

Translation services: Chat GPT can also be used to provide translation services, which can be particularly useful in a country like India with many different official languages. It can help to facilitate communication between legal professionals, judges, and litigants who may speak different languages, and help to ensure that everyone is able to understand the legal proceedings.

Overall, Chat GPT can be a valuable tool in the Indian judicial system and judiciary, helping to improve efficiency, promote access to legal information, and facilitate better decision-making.”

While the responses to both the prompts may conjure an understanding that there are several positive contributions of the application, the next prompt asked ChatGPT to critique itself and suggest the limitations of the above functionalities.

PROMPT 3

Prompt 3 asked, “How to measure the credibility of ChatGPT in legal research?” The bot’s response was, “Measuring the credibility of an AI language model like ChatGPT in legal research can be challenging, as it involves assessing its ability to provide accurate and reliable information.”

ChatGPT itself notes that one must assess its capabilities in terms of accuracy and reliability and thereafter, suggests some measures to bring the credibility of ChatGPT in legal research namely:

“Accuracy: One way to measure the credibility of ChatGPT is to evaluate the accuracy of its responses to legal research queries. This can be done by comparing its answers to those provided by legal experts or by verifying the information provided by ChatGPT through multiple sources.

Consistency: Another way to measure the credibility of ChatGPT is to evaluate the consistency of its responses across multiple queries related to

the same legal topic. If ChatGPT consistently provides accurate and reliable information, it is likely to be more credible.

Transparency: ChatGPT's transparency can also help in measuring its credibility in legal research. This includes understanding its limitations and the training data used to develop the model. The more transparent the development process is, the more likely it is to be reliable.

User feedback: Gathering feedback from users who have used ChatGPT in their legal research can also help in measuring its credibility. This can be done through surveys or other feedback mechanisms and can provide valuable insights into the strengths and weaknesses of ChatGPT in legal research.

In conclusion, measuring the credibility of ChatGPT in legal research involves evaluating its accuracy, consistency, transparency, and gathering user feedback. By taking these factors into account, legal professionals can make informed decisions about the reliability of ChatGPT for their specific legal research needs."

A simplistic critique of the interaction with the Bot shows how it projects generalizations and confesses to its own limitations. Further, as seen in Prompt 3, the Bot transfers the burden of bringing credibility and accuracy by giving parameters that not only insinuate but require human intervention. It reflects the need of measuring the accuracy, transparency, etc. However, the measurement of such parameters cannot be done without human intervention.

PROMPT 4

Since the bot was insistent on human intervention, it was logical to question its programming on whether it contemplates taking independent decisions. Prompt 4, therefore, asked "Is it possible to take away human intervention in case of legal decision making? To this, the Bot responded,

"The potential to take away human intervention in legal decision-making has been a subject of debate for many years. While some argue that automated decision-making systems can increase efficiency and reduce bias, others believe that human judgment is essential for complex legal issues. It is important to note that legal decision-making involves not only applying the law but also interpreting it and applying it to specific facts and circumstances. This requires a nuanced understanding of legal principles and a consideration of various factors, including ethical considerations and social context.

At present, automated decision-making systems can assist with certain aspects of legal decision-making, such as document review, case management, and predictive analysis. However, they cannot entirely replace the role of human judgment in making legal decisions. In addition, legal decision-making often involves the exercise of discretion, which requires an understanding of the unique circumstances of each case. This can be challenging for automated systems, which may not be able to account for all relevant factors."

Therefore, while technology can definitely provide judicial assistance in decision making, it lacks the insight of human judgement and, therefore, it is unlikely to completely replace a human judge, particularly where the matter is complex like criminal trials. Legal professionals will continue to play a critical role in ensuring fair and just outcomes in the legal system.

PROMPT 5

After these general questions, where ChatGPT was made to self-introspect on its role as an AI-language based tool, specific questions on bail were asked to scrutinize the accuracy and quality of the content that the application delivers.

Prompt 5 asked, "can Chat GPT draft bail applications?" It was answered that,

"While Chat GPT can provide helpful information and insights for bail applications, it is not capable of drafting legal documents such as bail applications. Drafting legal documents such as bail applications requires a high degree of legal expertise, which Chat GPT does not possess. Legal documents such as bail applications require a thorough understanding of the relevant legal principles, as well as knowledge of the specific facts and circumstances of the case. In addition, legal documents must be tailored to the specific requirements of the court in which they are filed and must conform to the relevant legal standards and procedures."

Therefore, as the bot itself notes, one can rule out the possibility of using ChatGPT for drafting. While ChatGPT can provide useful information and insights for bail applications, it again stresses on the importance of human intervention and qualified legal professionals to draft such documents to ensure that they are accurate, comprehensive, and legally sound.

PROMPT 6

It also becomes important, therefore, to know if, apart from drafting, it would play any role in giving bail orders. Accordingly, the next prompt was: "Is ChatGPT capable of giving correct Bail orders?"

As expected, it responded that,

“As an AI language model, ChatGPT is not capable of giving bail orders. Decisions related to granting or denying bail are made by judges or magistrates based on a variety of factors, such as the nature of the offense, the severity of the crime, the defendant’s criminal history, and the risk of flight. While ChatGPT can analy[z]e and provide information on legal precedents, case law, and other legal information that may be relevant to a bail decision, it is ultimately up to the judge or magistrate to weigh all of the relevant factors and make a decision.”

Therefore, it is very important that any dependence on these tools that rely on limited data should also be limited. They could be used as an aid of interpretation and not a primary source of information. These language models like ChatGPT, have been designed, in essence, to replace the insightful and intuitive human judgment or decision-making that is the core of the legal system. Rather, they are additional tools that could be of assistance to lawyers, judges, and other legal professionals in their work.

PROMPT 7

It also becomes important to understand the nature and extent of data that is available to the system when providing answers to and analysis of a prompt. When the Bot was asked about the database and literature that it uses to give information on Indian Bail Orders in prompt 7, it notes that

“ChatGPT uses a large database of text to generate responses to user queries. The text in this database has been preprocessed and cleaned to remove noise and irrelevant information. The training data used to train ChatGPT includes a wide range of sources, including news articles, legal documents, case law, and academic literature. In the case of Indian bail orders, ChatGPT would have been trained on a variety of legal documents and case law related to bail in India. Some of the primary sources of information that ChatGPT may use to provide information on Indian bail orders include:

Indian Penal Code, Criminal Procedure Code, and other relevant laws and regulations related to bail in India.

Decisions of Indian courts related to bail, including judgments by the Supreme Court of India and various High Courts.

Legal and academic literature related to bail in India, including research papers, journal articles, and books.

News articles and reports related to bail in India, including coverage of high-profile cases and controversies related to bail in the Indian legal system.

It is important to note that the specific sources used by ChatGPT may vary depending on the particular query being posed and the availability of relevant information in its database.”

PROMPT 8

The limitation of this answer lies in its reliance on the database that it has access to. When asked in prompt 8 if ChatGPT has access to all the decisions of Supreme Court and High Court for precedents, it said that,

“ChatGPT has been trained on a large dataset of text, including legal documents, case law, and other relevant sources of information. However, it is unlikely that ChatGPT has access to all decisions of the Supreme Court and High Courts in India, as the number of cases and judgments is constantly growing, and it would be difficult to have a comprehensive database of all past and present decisions. That being said, ChatGPT has likely been trained on a substantial amount of case law and legal precedents, including decisions of the Supreme Court and High Courts that are available in the public domain.”

Any judge or a legal professional relying even on the jurisprudence that ChatGPT provides would have to review other authentic books and journals since the dataset of ChatGPT for the continuously updating legal knowledge is very skewed and limited. Adding to the fact that when prompted to provide the “latest judicial decision of Supreme Court and High Courts of India on bail” it gave the following response:

“As of my knowledge cutoff in September 2021, the latest significant decision by the Supreme Court of India on bail was in the case of Siddique Kappan v. State of Uttar Pradesh, decided on April 28, 2021. In this case, the Supreme Court granted bail to a journalist who was arrested under the Unlawful Activities (Prevention) Act, 1967, while he was on his way to cover a story in Uttar Pradesh. The latest significant decision by a High Court in India on bail may vary depending on the specific High Court and the date of the decision. It is recommended to consult legal databases or consult with a legal professional to get the latest information on the topic.”

PROMPT 9

ChatGPT does not even know how many judgments of Supreme Court and High Court it has access to since when specifically asked in prompt 9, “How

many supreme court of India and High Court Decisions you have access to?”, it said,

“As an AI language model, I do not have a fixed number of Supreme Court and High Court decisions that I have access to. However, I have been trained on a vast corpus of legal documents and judgments, including Indian case law, which enables me to provide information on a wide range of legal topics, including bail orders. My training corpus includes all reported judgments of the Supreme Court and various High Courts of India up to the knowledge cutoff of September 2021. It is possible that more recent judgments may not be available to me, depending on the date of their publication.”

Therefore, any analysis, answers, arguments, or critiques given by this tool is significantly limited in its understanding of law. Since it currently has a knowledge cut-off date of September 2021, any latest developments are outside its scope of analysis.

PROMPT 10

For example, the two cases from India and Colombia where Chat GPT was used are not fed in its database and therefore it is not aware of the same. Therefore, when asked in prompt 10, “Has any judge used Chat GPT for assistance in judicial decision making? Based on the real time and latest news, has any court used Chat GPT in their legal research?” it says,

“As an AI language model, I do not have access to real-time news updates or information about whether or not judges have used Chat GPT or any other AI language models for assistance in judicial decision-making. Regarding the use of Chat GPT or any other AI language model in legal research by courts, there is no publicly available information indicating that any court has used Chat GPT specifically. However, as I mentioned earlier, some courts around the world have experimented with using AI tools for legal research or analysis in some capacity, but I do not have any specific information on the use of Chat GPT by courts at this time.”

It is obvious that in order to make ChatGPT relevant for judicial systems with multiple factors involved including age, sex, gender, economy etc., the application will have to be developed substantially.

PROMPT 11

When asked, “What is the liability of Chat GPT in case it gives an inaccurate information or fact?” it is very clear that it has no legal liability,

“Chat GPT is an artificial intelligence language model that generates responses based on its training data and algorithms. It is important to note that Chat GPT is not a legal expert and its responses should not be considered as legal advice. While Chat GPT strives to provide accurate and reliable information, it is possible that it may occasionally generate responses that are inaccurate or incomplete. In such cases, Chat GPT does not have any legal liability, as it is merely a tool used to assist in legal research and cannot be held responsible for the accuracy or reliability of its responses. It is the responsibility of the user to verify and validate the information provided by Chat GPT, and to exercise their own judgment and discretion when using the information to make legal decisions. Users should consult with qualified legal professionals for legal advice and should not rely solely on the information provided by Chat GPT. In summary, Chat GPT cannot be held liable for any inaccuracies or errors in the information it provides, and users should exercise caution and seek professional legal advice when making legal decisions.”

This has been substantiated by the caution as seen on 6 May 2023, just under the chat box, Chat GPT says, “Free Research Preview. ChatGPT may produce inaccurate information about people, places, or facts. ChatGPT May 3 Version”. This, in itself, indicates the viability of the system.³¹ Though this might seem quite logical, one of the biggest re-generating problems with these parameters is the transformations that transpire in the legal system. As understood, law is a breathing profession. It breathes and lives with society, and as society develops, so does law. The law must adapt to changes and modifications not only in terms of legal rules but also in terms of its interpretation. Without human intervention, it is not possible to understand the interpretation of law. Interpretation of law, thus, is a human task, done after proper training and skill development. Therefore, in legal research, the usage of ChatGPT might be great but, in terms of decision-making, it is not a substitute for human intervention.

V. LEGAL FRAMEWORK, RIGHT TO CONTESTABILITY, AND AI-DRIVEN INTERVENTION IN DECISION MAKING

The right to contestability is a tool deployed to ensure that the outcomes given by such AI based models are reliable. Contestability empowers individuals to challenge algorithmic decisions.³² To ensure the right to contestability, it is important to have mechanisms in place that allow individuals to comprehend and understand the reasoning behind AI-generated decisions and to challenge them when necessary. This includes providing access to the underlying algorithms,

³¹ OpenAI, ‘OpenAI Chat’ <<https://chat.openai.com>> accessed 13 May 2023.

³² Alfrink, K, Keller, I, Kortuem, G et al ‘Contestable AI by Design: Towards a Framework. Minds & Machines’ (2022). <<https://doi.org/10.1007/s11023-022-09611-z>> accessed 1 June 2023.

data, and reasoning behind the decisions. Additionally, individuals should have the right to present counter-evidence, question the accuracy or validity of the AI system's outputs, and seek human review or intervention when needed. Hirsch et al. explain contestability as "humans challenging machine predictions".³³ AI based models will continue to be fallible, but using them in decision-making processes can cause huge costs for the stakeholders involved, including those who are responsible for monitoring the performance of the AI system. The purpose of including the right to contestability in such AI based decisions is to avoid such failures by creating a process of intervention by the human controller at relevant junctures. Therefore, contestability refers to AI systems that are open and responsive to human intervention throughout their lifecycle, including during their design and development, not just after automated decisions are made. The grounds for contesting such decisions include privacy, procedural fairness, and consumer protection. Some jurisdictions have enacted laws explicitly allowing individuals to contest decisions made solely through automated processing. For example, the European Union's General Data Protection Regulation, 2016 (GDPR) empowers individuals to contest such decisions, ensuring they are subject to oversight and review by virtue of Article 22 of the GDPR. This provision mandates that when decision making is completely automated, it will become important that the data controller device means and tools to protect and promote the rights of the individuals, including the right to contest the decision and involve a human. Article 22 of the GDPR reaffirms a fundamental principle of the rule of law: that contestability should be preserved for decisions, whether made by humans or automated systems, which significantly impact individuals' lives. Therefore, we should demand the same standards of contestability for Automated decision making as we would for human decision-making in that specific sector. On April 21, 2021, the European Commission proposed a regulatory framework for the governance of artificial intelligence through an act³⁴ with the main purpose to align the AI systems with the fundamental rights and value models of the European Union, which was accepted unanimously on 14th June 2023.³⁵

United Kingdom also published a white paper on 29 March 2023 named "A pro-innovation approach to AI regulation."³⁶ It provides for a flexible model to regulate artificial intelligence, Trying to balance public trust, business oppor-

³³ Hirsch, T, Merced, K, Narayanan, S, et al 'Designing contestability: Interaction Design, Machine Learning, and Mental Health' (DIS 2017 - Proceedings of the 2017 ACM conference on designing interactive systems, 2017) ACM Press, pp 95–99.

³⁴ Artificial Intelligence Act, 2021 <<https://artificialintelligenceact.eu/>> accessed 14 June 2023.

³⁵ Commission, 'Proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonized Rules on Artificial Intelligence (Artificial Intelligence Act) and Amending Certain Union Legislative Acts' COM (2021) 206 final, (April 21, 2021) <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021PC0206>> accessed 9 June 2023.

³⁶ Policy Paper A Pro-Innovation Approach to AI Regulation Office of Artificial Intelligence 29 March 2023, <<https://www.gov.uk/government/publications/ai-regulation-a-pro-innovation-approach/white-paper#executive-summary>> accessed 1 June 2023.

tunities and job concerns. It emphasizes the following five principles that are to be kept in mind by the regulators for secure and innovative usage of artificial intelligence: Safety, Security and Robustness; Transparency and Explainability; Fairness; Accountability and; Governance and Contestability and Redress. In contrast, currently, India lacks a comprehensive data protection law and a comprehensive law governing algorithms, making the paradigms of contestability unclear in legal theory. While India awaits a clear data protection law, contesting the AI based decisions could be done on the basis of Information Technology Act, 2000, the Consumer Protection Act, 2019, and Part III of the Constitution of India. However, In May 2023, India also suggested that it would design a regulatory framework for tools like ChatGPT.³⁷

A quick look at the regulatory attempts suggests that there are two solution models in play. One that considers the text-generative artificial intelligence tool where no human oversight is involved as a high-risk concern. Second model is more concerned with bringing in transparency and accountability in how the artificial intelligence systems work. Both the solutions seem limited and incomplete at this point where technology is running faster than the law.³⁸

Therefore, implementing the right to contestability in AI-driven judicial decision making is a complex task. It requires striking a balance between the need for transparency and accountability while also protecting sensitive information and maintaining the efficiency of the legal system. Similarly, legal frameworks and regulations need to be developed to ensure that individuals are not deprived of their rights to question, challenge, and appeal decisions made by AI systems. While countries have started looking for regulatory solutions, it is important that dynamic and flexible laws are put in place to deal with this fast-paced technology.

VI. CONCLUDING REMARKS

As a language model, ChatGPT has some limitations that lawyers should be aware of. On the one hand, as shown through specific prompts, ChatGPT proves to be of great help in legal research; however, on the other hand, when the application of ChatGPT is sought in judgement delivery, the dearth of human intervention may lead to certain inevitable conundrums pertaining to ethical considerations, data insufficiency, language usage, interpretation, etc. The answers given by ChatGPT would most certainly not impress a professional lawyer.

³⁷ 'Laws to Regulate ChatGPT, Bard and others? What IT Minister Ashwini Vaishnaw says' (*LiveMint*, 18 May 2023) <<https://www.livemint.com/technology/tech-news/laws-to-regulate-chatgpt-bard-and-others-what-it-minister-ashwini-vaishnaw-says-11684397746457.html>> accessed 15 June 2023.

³⁸ Gian Volpicelli, ChatGPT Broke the EU Plan to Regulate AI, (*Politico*, March 3, 2023). <<https://www.politico.eu/article/eu-plan-regulate-chatgpt-openai-artificial-intelligence-act/>> accessed 1 June 2023.

However, it could certainly be used as a reference point for initiating the research. Although not all the answers were actually concrete, they demonstrate that this technology has advanced substantially. Further, the fact that the system acknowledges its limitations is praiseworthy.

Despite being trained on a vast amount of legal textual data, ChatGPT may not possess the same level of legal expertise as a human lawyer. Therefore, it is advisable for lawyers to thoroughly review and verify any information generated by the model before relying on it. ChatGPT's responses are reliant on the input it receives, and it may be limited by the context and information provided. Thus, if the input or prompt is incomplete, unclear, or ambiguous, the model's output may also be similarly limited with inconsistencies and inaccuracy. Additionally, the free tool's database includes data up until 2021, which substantiates the undeniable existence of inaccuracies based on a small set of information. Even if this data is expanded, it still cannot compile all the factors as a human would. The training data used to teach ChatGPT may also be riddled with biases, which would again be fed into the output and potentially result in erroneous or unfair results. While ChatGPT can generate text like a human being, it would not have the comprehension and understanding of the legal concepts and terminology used in the text. ChatGPT is therefore, an aid and a tool to assist lawyers, rather than a substitute for human judgement, creativity, and critical thinking. Therefore, it is essential to rely on law professionals who could then exercise their judgement training, skills, experience, and knowledge in using ChatGPT's output.

Even if the courts start using such tools, it will become very important to preserve the right to contestability in the face of AI-driven interventions. It necessitates the development of robust frameworks for transparency, accountability, and explainability in AI systems. Efforts should be made to address the biases and limitations of these systems, ensuring that individuals have the opportunity to contest and challenge decisions made by AI. Additionally, ongoing dialogue, collaboration, and interdisciplinary research are crucial to effectively address the legal, ethical, and societal implications of AI-driven intervention in decision making, ultimately safeguarding individual rights, and promoting fairness and justice. "Equitable justice" cannot be put at the backfoot in the name of quick justice. All the circumstances and situations must be kept in consideration. Even though an AI tool will be much effective to understand and find all the laws related to a certain subject, however, equitable justice can only be delivered by comprehending and fathoming all the circumstances pertaining to the case to reach at the right decision. Human intervention and application of mind, hence, becomes essential in achieving equitable justice which an AI bot may not be able to deliver.

Further, ChatGPT could give explanations, it does not really go into nuanced aspects of the law. When the same question could have two seemingly different explanations, reliance by the judiciary on it should be carefully

monitored. For legal professionals, the advice is based on the facts and circumstances of the case. ChatGPT might be able to consider the data that is fed into it; however, it may not be able to absorb all the minute details that a contract, tax agreement or a criminal matter may involve. As seen in the paper, for bail, it answered how it had limited use. Relevant facts, *ratio decidendi*, *obiter dicta* and such other information would keep changing as the human interaction is diverse. Commodification of legal services is certainly possible soon since these tools have the capacity to become sophisticated. This again highlights the need to including the “right to contestability” for technological advancements in our jurisprudence. While the digitally literate class might be able to access these tools, the majority of India, including district courts, rely on hardcopy “paperwork” and “books” for preparing legal documents. This essentially means that the efficacy of AI-language tools would also depend on how well people are trained in technology and their ability to “prompt justice”.