

JUSTICE ON TRIAL EFFICIENCY VS EMPATHY WORD

by

Anulekha Das

ABSTRACT

Artificial Intelligence in the contemporary world has emerged as a global phenomenon that is actively influencing and shaping the younger generation. Its necessity has been observed and felt by the people in many significant ways and in several fields, that being governance, healthcare, education, and most importantly, the justice delivery system. It is noteworthy that Artificial Intelligence has found its application in areas such as legal research, case management, transcription, and predictive analytics.

Traditionally, Justice dispensation heavily relied upon human judgment, discretion, and moral reasoning. This process involves not only the application of law but also the evaluation of facts, assessment of credibility, consideration of equity and fairness. But nowadays Courts across jurisdictions have been observed leaning towards technological advancements to address mounting challenges and tackle the pre-existing ones such as backlog, procedural inefficiencies, judicial delay and subsequently promising greater administrative efficiency and judicial consistency.

However, the increasing integration of such technologies into judicial system has critical concerns surrounding AI's accountability and impact. Unregulated or excessive reliance of advancements to the Judicial Framework exposes a potential risk or threat of disruption to the flow of administration. Judicial decision-making is not merely a practice of technology but rather a broad domain involving interpretation and analyzation of statutes, empathy, equity, and accountability—qualities that a human possesses thus cannot be replicated by algorithmic systems.

Against this backdrop, this Article extensively examines whether Artificial Intelligence can assist Judges in Courtrooms let alone substitute the human element of empathy? It evaluates the role of AI in respect to this question without undermining the foundational human values embedded in the justice delivery system. Although AI can play a supportive role in improving judicial efficiency, the core adjudicatory function must remain human to safeguard constitutional principles, public trust, and the rule of law.

JUSTICE ON TRIAL: EFFICIENCY VS EMPATHY

PROLOGUE

It has been observed that Artificial Intelligence is welcomed across several professions, however, in the pursuit of Justice, its application faces widespread criticism. Have we paused to ask why? Or even question, what distinguishes Law and Justice from every other field? Perhaps, while the theoretical understanding of Justice may forever remain incomplete- its purpose is fulfilled when theoretical principles are blended with inherent human traits such as Empathy, and other emotions relating to compassion.

Justice is not merely a system of declaring who is 'Right' or 'Wrong', rather it is a dynamic process involving a passionate approach that requires an understanding of complex human realities, relations and emotions. Artificial Intelligence in contemporary world can be considered competent enough to analyse ideas, process information and produce efficient and remarkable outcomes in a speedy manner but it is important that we realise a technologically powered system cannot exercise moral judgment, compassion or empathy and neither can it in totality understand the complex relations shared by people in the human society.

It is with this understanding that I, thereby, assert my stance "AI is a valuable tool recognized in its benefits in disposing cases with utmost efficiency but can never replace the human element of empathy."

ARTIFICIAL INTELLIGENCE IN DAILY LIFE AND ITS DISTINGUISHED APPLICATION IN LEGAL ARENAS

Artificial Intelligence is said to be removing heavier workloads, it is described as a machinery that has been carefully built and designed to perform tasks which ordinarily involve human intelligence¹. Gradually, this advancement has seamlessly incorporated itself into our everyday lives, assisting individuals relentlessly and promising people relief by managing tasks that require straining labor. Its necessity is undeniable and strongly felt in education, healthcare, commerce and several other sectors. For instance, many households have been reportedly installing Virtual AI devices such as Alexa and Siri. By merely calling its name and instructing it with tasks such as Turning on or off the lights, playing music, getting a weather check, or dialing a number, and more, are dealt with. What began as a simple human assistant has evolved to develop skills such as solving numerical equations, processing complex information, performing analytical tasks, and so on.

The urgency behind this technological push is inseparable from the structural crisis facing India's courts. According to the India Justice Report 2025, the total number of pending cases across India's high courts and subordinate courts surpassed five crore by the end of 2024, representing an increase of over 30 per cent in the backlog across all court levels since 2020.¹ Against this scale of systemic delay, it is unsurprising that institutions have turned to technology as one component of a larger reform agenda.

¹ Supriya Sharma, '5 Crore Cases and Counting: India's Courts are Struggling to Clear the Pile-Up' (*The Wire*, 17 April 2025) <<https://m.thewire.in/article/law/5-crore-cases-and-counting-indias-courts-are-struggling-to-clear-the-pile-up>> accessed 9 June 2026

In recent days, the concept of ‘Robot Lawyers’² have come to be overhyped amongst people. It is significant because AI driven tools are now capable of conducting legal research, reviewing documents, classifying judgments and precedents in relation to a particular case,

1. Robert F. Smith, *What Is Artificial Intelligence and How It Impacts Daily Life*, robertsmith.,BLOG(Apr16,2025)
2. Robert J. Couture, *The Impact of Artificial Intelligence on Law Firms’ Business Models*, Center on the Legal Profession, Harvard Law School (Feb24, 2025), <https://clp.law.harvard.edu/knowledgehub/insights/the-impact-of-artificial-intelligence-on-law-law-firms-business-models/>

drafting contracts and even predicting legal outcomes. These enhanced features of Artificial Intelligence have sparked a wave of optimism but also concern that questions its growing need in law. One can comprehend that the integration of AI in legal system raises opportunities among novices. A recent Survey conducted by UNESCO (United Nations Educational Social and Cultural Organization) showed that 44% of people are already utilizing AI tools, such as ChatGPT, Meta AI, Gemini, DeepSeek in judicial tasks, Magistrate Sara Zouhir², commented that the Judiciary in Morocco has already adopted AI tools to assist judges in drafting judgments for incidents concerning labour and traffic accidents while praising its ability to effectively indulge in predictive case analysis³.

For the first time, In the High Court of Punjab and Haryana located in India. A Judge used ChatGPT to research on a criminal case. In the same case, a bench comprising of Anoop Chitkara³ was allegedly taking an AI tool's help while hearing the bail application of Jaswinder Singh, who was arrested on charges of serious crimes involving Criminal Conspiring, Murder and Rioting. This incident stands as evidence that Artificial Intelligence has transcended beyond its empirical usage and progressed in playing a key role in the Courtroom by assisting in rendering judgments, deciding upon a life. But is this all that creates the binding and resilient framework of Justice? It is important we ask whether law and Justice are so flexible that it can be granted to individuals by a mechanism made up from a combination of codes and algorithms?

THE UNDERSTANDING OF JUSTICE

In a consensus, Decisions and Verdicts by the Courts hold much value in our society. Judiciary is trusted with the responsibility of upholding individual safety while guaranteeing them justice incase a citizen has been wronged. Its value is very much derived from their Constitutional duty of appreciating human circumstances and complex social as well as emotional realities, its importance is not limited to the plain application of law and the rules as prescribed. This is mainly because Justice has been identified to be virtually distinguishable from rightness in its simplest form.

² Sara Zouhir, *AI and the Judiciary: Balancing Innovation with Integrity*, UNESCO,(June2, 2025), <https://www.unesco.org/en/articles/ai-and-judiciary-balancing-innovation-integrity>

³ Indian judge used ChatGPT in a criminal case, DIGWATCH,(Mar29,2023), <https://dig.watch/updates/indianjudge-used-chatgpt-in-a-criminal-case>

Historically, Aristotle had defined Justice differentiating between Universal Justice⁴ that spoke about ‘virtue as a whole’ and Particular Justice that held a narrower scope. Amongst all the attempts defining Justice, the Institutes of Justinian, a codification of Roman Law from the 6th Century AD brilliantly captured the essence of the Ideal, it stated that Justice is the constant and perpetual will to render to each his due. It can be implied that just treatment is something that is due to every person, in other words it is a matter of claim that can be rightfully made against the body responsible for dispensing justice, be it a person or an institution. Standing by this definition by the Institute, if Justice is truly a perpetual will to

render people their dues, then it cannot be limited to the mechanical application of law. It suggests the condition to understand what is due in a human context, that being the firm determination which demands empathy, moral reasoning, and social understanding of complexities. This point takes us to our next segment:

THE IMPORTANCE OF EMPATHY IN THE ADMINISTRATION OF JUSTICE

The Justinian definition and its evaluation serve the reason why the judicial role has been dominantly entrusted to human adjudicators. Judges are not merely interpreters of the rules and statutes, they are evaluators of human narratives. They responsibly assess credibility, remorse, hardship, intent, and potential for any change. They explore beyond the Statute to gain insight on other complexities that may surround the person standing before them. Empathy bridges the gap created between legal norms and human realities, ensuring that justice remains not only lawful but also humane.

At the National Judicial Academy Summit held in 2024, Justice D.Y Chandrachud had made a striking comment on the interrelations between Justice and Empathy- he said, *“Technology, infrastructure, filling up vacancies. These are milestones in our mission. But above all, I think what sustains judicial institutions in the long run is your sense of compassion and empathy, and your ability to answer the plaintive cry of a citizen in the wilderness.”* The word Empathy is often confused with the term Sympathy. In a general sense, Empathy is the ability to sense, feel and understand the emotions an individual might be going through. Emotional empathy and compassion involve care and concern for others.

In this discourse, standing against the question whether Artificial Intelligence can replace human traits, the Courtroom is a stage of human emotions⁵, it is emotionally charged where the Judge has the power to determine the future of a life. It is indispensable in the administration of Justice as the Courtroom concerns people, disputes that reach the Bench arises out of human conflict, suffering and inequalities.

In Contemporary world, Courts deal with grievous offences that are highly sensitive to a person, these involving sexual violence, domestic abuse, child protection, mental health, and cyber exploitation. The system also serves individuals who are gravely affected by poverty, caste,

⁴ Aristotle, *Nicomachean Ethics*, Book V, chs. 1–2

⁵ Ryan Zahrai, *The Role of Empathy in Legal Practise: Why It Matters in Courtrooms and Client Relationships*, ZEDLAW, (SEPT 24)

racial discrimination, disability, migration, and gender-based exclusion. Empathetic adjudication enables the Judge to recognise patterns and structural disadvantages that are not expressly mentioned in Statutes, legal texts and documents.

Across Jurisdictions, a sharp decline of trust in courts and governments have been observed adding to the list of critical challenges faced by the Justice System. Humanistic engagement by judges like listening, acknowledging suffering, and explaining decisions sensitively plays a vital role in restoring judicial legitimacy. It is precisely this human capacity for empathetic understanding that Artificial Intelligence, despite its analytical advancement, cannot replicate. The increasing institutional reliance on advanced technological systems in judicial processes have altered the traditional course of decision-making. Tools that were designed to assist

judges in research, drafting, and prediction have been gradually incorporated to justify judicial reasoning. This sudden transition in the machinery has raised a fundamental question for modern justice systems, a sound question, ‘Whether technological intervention in adjudication supports judicial progress or supports the reform of the Judicial framework, one that does not require the human intellect?’. The answer lies in examining the emerging friction between Artificial Intelligence and the human qualities that have historically anchored judicial authority.

THE TUSSLE BEWTEEN ARTIFICIAL INTELLIGENCE AND EMPATHY

The dispute of the topic of this Article is interrelated that is the absence of Empathy in the functioning of Artificial Intelligence. Empathy is deeply rooted in human conscience, AI by contrast is a human trained technological model that runs on code and algorithms, deprived of humanistic traits of being able to feel sorrow, perceive vulnerability, or comprehend suffering. Constructed upon Mathematical models, it is acknowledged that AI such as ChatGPT or Meta AI, over the course of time may have been trained to recognise emotional expressions or linguistic sentiment, but such recognition is fabricated as it remains superficial classification rather than genuine emotional understanding, that means the Chatbot model is incapable of feeling the emotions though it may classify and differentiate between the feelings of sorrow and joy, and so on. This distinction is weighed heavy when evaluating AI’s role in judicial environments, where understanding emotional states often influences fair adjudication.

The inability to substitute Empathy and other related human traits is evident from the absence of AI’s ability to sense moral urgency or human desperation- for instance, a Judge can render the sentence awarded to a person by evaluating the critical nature of the case, an Artificial Intelligence vis-à-vis Chatbot cannot do the same, it fails to prioritize human welfare and attend its needs accordingly. Many cases involve structural oppression, intergenerational poverty, or systemic discrimination. Empathetic judges recognise these patterns and adjust decisions; AI cannot inherently understand social injustice beyond recorded data.

In judicial proceedings, communications are not only conducted orally rather it is combined with bodily languages expressed simultaneously by Litigants, Victims and even the Accused. Judges, over the course of time, have gained experienced in reading these subtle cues, allowing them to gain a deeper insight on the person’s emotional state- enabling them to process underlying intent beyond spoken words. AI is advanced but it cannot explicitly read into these

hidden clues and emotional nuances, it lacks the intuitive comprehension skills that are required in adjudicating a matter.

In the legal domain, past judgments, sentencing patterns, police records form the sources of a precedent. However, legal history is not free from prejudice. Past judicial decisions have often reflected social biases related to caste, gender, race, class or economic status. AI may unintentionally reinforce unjust decisions- It lacks reflective ability, thereby cannot question whether the data it relies upon is morally right or socially just as it has been trained to simply process what exists. Human judges, on the other hand, are capable of recognising bias within these legal traditions. Through empathetic understanding and moral reasoning, they can consciously correct unfair patterns. For instance, a judge may acknowledge that a marginalised community has been historically unfairly sentenced and therefore can interpret the law in a manner that prevents the continuation of the same. This capacity to identify and challenge injustice within a precedent is rooted in human conscience and social awareness.

Thus, while Artificial Intelligence may refine the efficiency of judicial processes, it cannot replace the empathetic human conscience that gives justice its true meaning.

CONCLUSION

There is no doubt that Artificial Intelligence has made its way to the mainstream, creating impact and facilitating its necessity in everyday life. However, the legal arena is not strictly restrained to compliance of statutes- the Courtroom is an emotional domain, that takes responsibility of serving people justice, undoing the harm made to them. This discussion thus reveals that while Artificial Intelligence possesses the capacity to enhance efficiency, consistency, and accessibility within judicial systems, it remains fundamentally incapable of replicating the emotional intelligence and empathetic understanding linked to human adjudication. It is not merely the mechanical application of legal rules; it is a human-centered process that demands sensitivity to suffering, awareness of social realities, and responsibility for the consequences of judgment. As courts continue to explore technological integration, the challenge lies not in rejecting innovation, but in ensuring that efficiency does not diminish the fundamental principles of humanity.