

# Chapter For 2-Day International Conference on Artificial Intelligence towards Fostering Sustainable Development in Business

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## ABSTRACT

In India, the cases related to administrative / government affairs are handled by the Central Administrative Tribunal and the respective State Administrative Tribunals. The study aims at understanding the reasons for case-pendency pertaining to service matters, like filing replies in prescribed forms / formats, laborious routines, wrong recording statements leading to misinterpretation of previous judgements, and so on, resulting in the indispensable and necessary intervention of Artificial Intelligence in preventing delays in judgements, thereby reducing the cost and time of the appellants as well as the Government. There is a possibility that needs to be explored on encashing AI capabilities in handling the affairs of Special Courts in disposal of Government cases related to categories like Scheduled Castes, Scheduled Tribes, Women, Children, Disabled and Senior Citizens based on the priorities.

**Keywords:** *Administrative Matters, Administrative Tribunal, Artificial Intelligence Intervention, Indian Judiciary, Public Service, Service matters, Speedy Case Disposal, Work Procedure.*

## Introduction

### Artificial Intelligence (AI) intervention in the Indian Judiciary

Indian Judiciary has two facets, the general Civil & Criminal cases and the Civil Service or Administrative Matters. The general Civil & Criminal cases are handled by courts at the Taluk, District, State and Central levels by different benches while the latter are handled by the Administrative Tribunals. The organisational hierarchy of civil courts is different from that of the Administrative Tribunals and so is the composition of the working committees and staff. Both these facets of Judiciary seem to be neither in line with each other, nor do they depend on each other for case disposal. But the civil court officers and staff need to handle the Administrative Tribunal's affairs at State level, jointly with other States or at the Central level by involving Civil Service Officers and Staff in their work procedures. There is a need to understand how the reasons and solutions for pendency in the civil cases handled by the Civil Courts differ from that of the Civil Service or Administrative matters handled by the Administrative Tribunals.

### Civil Service / Administrative "Service Matters"

The "Service Matter" is defined as "In relation to a person, all matters relating to the conditions of his service in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India, or, as the case may be, of any corporation [or society] owned or controlled by the Government."

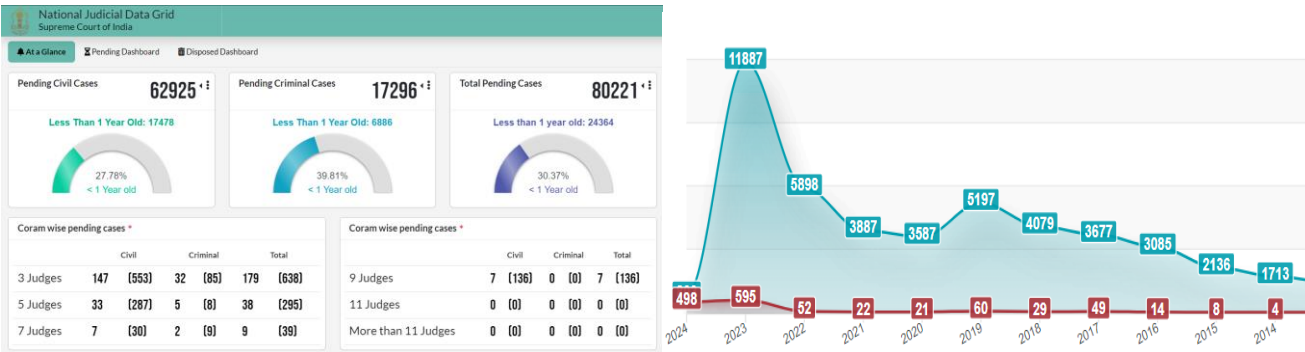
This may refer to a person's (i) remuneration (including allowances), pension and other retirement benefits; (ii) tenure including confirmation, seniority, promotion, reversion, premature retirement and superannuation; (iii) leave of any kind; (iv) disciplinary matters; or (v) any other matter whatsoever;

The “Service Rules as to redressal of grievances” are the Rules, Regulations, Orders or other instruments or arrangements as on force from time to time with respect to redressal, otherwise than under the Act, of any grievances in relation to such matters.

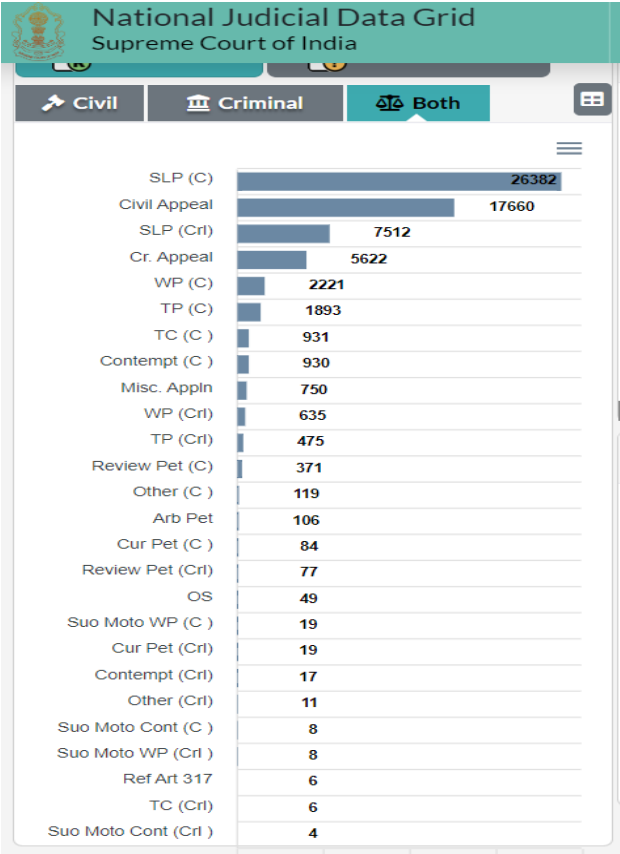
Case Pendency Status

There is a saying related to the directive principles of Judiciary – ‘Justice delayed, is Justice denied,’ which erstwhile, seems to remain in the books. The situation of Judiciary is no different from amongst one another when it comes to Indian States. It is observed that the pendency of cases of district and civil courts totals to around 5 crores as of December 2022.

At the Supreme Court alone, as on date, the previous year’s total pendency of civil cases and criminal cases is around 80221. Over a period of last 10 years, the average pendency has totalled to around to 56000 cases.



(Source: National Judicial Data Grid Website: <https://njdg.ecourts.gov.in>)



(Source: National Judicial Data Grid Website: <https://njdg.ecourts.gov.in>)

## **Status of Civil / Administrative Service affairs handled by the Indian Judiciary**

The Indian Judiciary pertaining to administrative service matters is handled by the Central Administrative Tribunal formed by the Act of Parliament, called The Administrative Tribunals Act, 1985 and is assisted by State Administrative Tribunals and Joint Administrative Tribunals. The Central Administrative Tribunal, also known as the 'Principal Bench', sits at New Delhi which is pinnal to subordinate Benches formed by the respective State/s Act/s. At present, the subordinate Benches are at Ahmadabad, Allahabad, Bengaluru, Chandigarh, Chennai, Cuttack, Ernakulam, Guwahati, Hyderabad, Jabalpur, Jaipur, Jammu, Jodhpur, Kolkata, Lucknow, Mumbai, Patna and Srinagar.

Each Administrative Tribunal, be it Central, State or Joint, consists of the Chairman and such number of Judicial and Administrative Members, as the appropriate Government may deem fit and, subject to the other provisions of this Act, the jurisdiction, powers and authority of the Tribunal may be exercised by Benches thereof through Chairman or the member authorized by him. Further it consists of one Judicial Member and one Administrative Member. The Chairman holds the office for a tenure of five years, and he is vested with administrative and financial powers:

The Central Administrative Tribunal (CAT) is formed by the Central Government Act and it accords permission for formation of State Administrative Tribunals (SAT) and Joint Administrative Tribunals (JAT) based on requests and requirements of respective States it may deem fit. The SAT is for single state whereas, two or more states may enter into an agreement to form JAT. The cases falling under these Administrative Tribunals arise out of violation of the Act, Rules or Jurisdiction issues. The following paragraphs try to understand the same in brief.

### **The Central Tribunal Act:**

The Central Tribunal Act is mainly formed to address cases pertaining to public servants' recruitment, promotion, service conditions, appointment, transfers to different posts held under the control of different administrative bodies including (corporations or societies controlled by the Government) within the Indian Territory according to the provisions of Article 323A of the Constitution. The matters connected with these provisions or incidental to, are also handled by the Administrative Tribunals as per the guidelines in this Act.

This clearly specifies that the service disputes arise solely due to lapses on the part of the Government or the Civil Servant in disposal of duties. To understand this, it is required to know about the fact that a Civil Servant and the Government are abide by certain Rules related to their duties. Any violation of such Rules will result in Cases.

### **Jurisdiction, Powers and Authority of Administrative Tribunals:**

The Parliament of India provides for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government.

Chapter Three of the AT Act, under Section Fourteen elaborates on the Jurisdiction, powers and authority of the Central Administrative Tribunal and the further chapters on State and Joint Administrative Tribunals likewise. The Central Administrative Tribunal exercises, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court in relation to Recruitment, promotion, transfer, training, dismissal, reappointment and any such service-related issues pertaining to the civil as well as non-civil servants by the Government.

### **Case monitoring in CAT, SAT and JAT's:**

There is an online Case Monitory System followed by the Central Administrative Tribunal to access / assess Case Status, Cause List, Daily Order and Oral & Final Order. The Case Status can be accessed by feeding data related to case under different tabs like Case number, Diary Number, Party Name or Advocate's Name. Under the Case Number tab, feeding the Case number, type of case, year and application number, provides with year wise details of cases falling under different case categories like Original Application, Transfer Application, Miscellaneous Application, Contempt Petition, Petition for transfer, Review Application, Review Application, Criminal Contempt Petition and Original Application Objections. The information pertaining to remaining tabs can be accessed by providing data for a few required fields under them. The Cause List provides with date-wise cases set for hearing. The Daily Order Tab provides with details of Bench wise, date – wise orders issued on a particular date and the final tab – Oral & Final

Order provides with details of case number wise, diary number wise, date wise and member name wise orders pertaining to a particular case. At present, the user must feed in the details and get the reports to continue with different stages of his case proceedings. The users can either be Government representatives or the Applicants and Advocates. At present the case pendency in different Administrative Tribunals and Benches is not accessible to public from the respective websites but it is known from the drop-down menu that cases are pending since 2004.

### **Indian Judiciary from the Administrative Affairs Perspective:**

Post independence, the Indian Judiciary came into existence free from other Government organs like the Legislature and the Executive (BHADRESH A. DALAL, 2023). It functions independently providing justice to all in time, irrespective of their status in Legislature or Executive. That part of Judiciary which deals with the Executives like the Governmental workforce or the Civil / Non-Civil Servants, handles all the service matters through the Central Administrative Tribunal and its subordinate Benches.

India has 25 High Courts, multiple district courts that handle work manually. The increased number of cases is mainly due to alarming rate of increase in population and least usage of technology. There are about 26.3 million cases pending across all courts and Judges available are 14.7 per a million population (R. K. Tiwari & Singh, 2020). And not to mention, this pendency does not include Administrative Tribunal cases dealing with Civil Service Matters. One can surely imagine the vastness of problems lying in front of Indian Judiciary. The transition from print to digital is the first and foremost step towards effective electronic administration of legal system (Bhardwaj, 2013).

At present, the affairs of Indian Judiciary face several problems (Dalat & Dewan, 2022) with respect to in-time administration of justice, which are listed below:

- Delay leading to loss of access to justice.
- Lack of understanding by those handling legal matters in departments from the base level to the Head of the Department level.
- Shortage of Infrastructure, logistics, Staff, Members and so on
- Lack of definitions for a few categories of cases like Public Interest Litigations (PIL)
- High case filing and low case filing rates
- Government being active litigant accounting for majority of court cases.
- Frequent amendment of existing laws
- Lack of effective case monitoring systems

There are a few suggested remedies for speedy disposal of cases like filling up of vacancies, avoiding litigations, alternative dispute mechanisms, use of technology, expert advice, setting of time limit for hearing and decision, restriction on number of adjournments and so on. These remedies stand good only from the general legal perspective but, the disposal of service matters requires a special skill set as the both the parties are a part of the government.

### **Artificial Intelligence Capabilities:**

The 'Artificial Intelligence' term was coined by John McCarthy in 1956, who defined it as machines mimicking actions or functions of human brain. Later researchers proved that theoretically representing visual information of human neuron can be taught to machines and later came the theories which examined natural language processing elements like representation, generation, manipulation of human thought through the understanding of computers. Today's computers are thorough in problem solving simultaneous with multitasking like design creation and solutions (Bernstein, 2022). There are several classifications of AI as per literature available (Entwistle, 1988) like:

- Reactive Intelligence (RI) – AI capability of performing autonomous tasks.
- Deliberative Artificial Intelligence (DAI) – AI capability to plan and take decisions to achieve defined objectives, adapting to the changing environments.
- Cognitive Artificial Intelligence (CAI) – AI capability in providing explanations mimicking human cognition like reasoning, learning and perceiving, basically meaning that machines process information like humans do in similar situations.
- Autonomous Artificial Intelligence (AAI) – AI capability to interact with its environment on its own, take decisions based on learnings from new situations and make necessary circumstantial changes in defined objectives and strategies.

### **The AI intervention in Judiciary as on date**

As on date, the laborious task and challenge ahead is to identify relevant documents or statutes pertaining to a particular case at super speed and the AI intervention in Judiciary seems to be in its primitive stages. Artificial Intelligence in Legal Assistance task (AILA) comes in handy in doing this task along with semantic segmentation of the legal documents. So far Best Matching (BM-25) ranking algorithm is being used to identify suitable statute for a given query with better performance than on AILA@FIRE-2020 datasets (Kayalvizhi et al., 2020) with multiple approaches.

E-Judiciary has paved way for modernization in Indian Judiciary in many ways. Information and Communication Technology (ICT) has resulted in Online Dispute Resolution (Negi, 2015). A few examples being, the usage of AI in sentencing process, making available, the court proceedings through video conferences, technological education's importance in legal education and its impact therein. All this is being classified and studied under past, present and future stage computerization by conducting scientific empirical analysis through AI as an effective tool to bring down the pendency of cases and to reduce the delay (N Prakash, 2014). There are a few studies which have explored The Law Reckoner, an android application using data mining methods for law information retrieval (Poonkuzhali et al., 2015).

### **The Intervention of Artificial Intelligence in Indian Judiciary:**

As explained before, the AI intervention in Indian Judiciary has limited information in its database and the capabilities are also limited to general court cases based on the data fed in the database through Supreme Court of India. At present, Administrative Tribunal cases may be disposed off without the pleas reaching Supreme Court database at all. So, there is a need to explore more feasible data sources at lower levels as well as Administrative Tribunal level to expedite speedy case disposal. There is also a requirement for a dedicated AI intervention through research. But by using which classification of AI for which kind of case or service matter needs to be thought through.

The usual procedural stages of service matter disposal as laid down in the Civil Service Rules are explained in general as below:

- i. Application filing in ATs by Government for non-compliance of rules specified in Government Order or by the Civil Servant against on issue of any government order not conducive to the applicant by violation of Service Rules.
- ii. Notice to the Appellate Authority concerned or the Government represented by a member as such, asking for para-wise remarks or replies to petitions.
- iii. Appointment of the Government Advocate through the sanction of Appellate Authority.
- iv. The concerned Party against whom the Application is filed, needs to meet the Government Advocate for proceedings.
- v. Filing the Replies, either accepting or rejecting pleas
- vi. Requesting for date of first and subsequent hearings.
- vii. Attending court proceedings on behalf of concerned parties.
- viii. Updating status at court as well as at the concerned departments.
- ix. Providing information required from time to time from Government Advocate as well as Department Heads (majorly Civil Servants).
- x. Comply to the decision / judgement given by the Tribunal.
- xi. Filing Appeal against Tribunal's decision / judgement or Issuing Final Order in compliance of the Tribunal's directions.

There is a need to explore working procedures for legal service matter proceedings as the same may vary from department to department.

The following points highlight on a few of loopholes, that distinguish general problems in Indian Judiciary from that of Administrative Tribunal proceedings.

- Lack of awareness of application of respective Service Rules (Department-wise) that is required for a particular litigation arising out of a dispute.
- Lack of training in skill sets required for those handling these laborious procedures.
- Misinterpretation and lack of understanding of available judgements / information about the same.

- Resistance to new technology interventions in Judiciary from the old and new expeditors of law alike.
- Time Crunch due to non-availability of dedicated staff for judicial proceedings.

### Discussion and scope for future research:

The table below shows the probable or suggested areas where the AI intervention may prove to be valuable as at different stages of work procedures of service matter case disposal mentioned above:

Stage No.	Stage of service matter case for disposal	Suggested type of AI intervention	Suggested level of Autonomy to AI	Remarks
i.	Application filing in ATs by Government for non-compliance of rules specified in Government Order or by the Civil Servant against on issue of any government order not conducive to the applicant by violation of Service Rules.	RI	Full	-
ii.	Notice to the Appellate Authority concerned or the Government represented by a member as such, asking for para-wise remarks or replies to petitions.	RI	Full	-
iii.	Appointment of the Government Advocate through the sanction of Appellate Authority.	CAI	Partial	-
iv.	The concerned Party against whom the Application is filed, needs to meet the Government Advocate for proceedings.	NA	NA	To be performed in person
v.	Filing the Replies, either accepting or rejecting pleas	AAI	Partial	Needs human intervention
vi.	Requesting for date of first and subsequent hearings.	RI	Full	-
vii.	Attending court proceedings on behalf of concerned parties.	NA	NA	To be performed in person
viii.	Updating status at court as well as at the concerned departments.	DAI	Full	-
ix.	Providing information required from time to time from Government Advocate as well as Department Heads (majorly Civil Servants).	DAI	Full	-
x.	Comply to the decision / judgement given by the Tribunal.	NA	NA	Physical or documented compliance is purely based on data updated manually
xi.	Filing Appeal against Tribunal's decision / judgement or issuing Final Order in compliance of the Tribunal's directions.	AAI	Partial	Needs human intervention

The State Tribunals & Joint Tribunals continuously face the challenge of language barriers among states as well as the Central Administrative Tribunal. A lot of time is lost in translation of huge data. Large Language Models and Data Fabric (Anand, 2022) Framework customization, are useful in customizing AI for Indian Judiciary to tackle translation and diverse sources of data in each of the departments dealing with cases pertaining to Service Matters. There is also a different approach needed to address data migration from old manual data to digital formats (Bhardwaj, 2013) in the language understandable to all incumbents.

The above suggested framework of AI intervention with stagewise intended level of autonomy to be given to AI can pave way for effective case disposal pertaining to service matters. There is a scope for future research in terms of justice that can also be extended dedicatedly to the reserved Categories like The Scheduled Caste / Scheduled Tribes, Minorities, Backward Classes, Women & Children, Senior Citizens & Disabled / Physically challenged, and so on, which have their own department providing different facilities. The schemes designed by these department form the Service Rules of that Department and are guided by respective Acts like the Prevention of Atrocities against SC/ ST of 1989, Pocso Act, Devadasi Rehabilitation Act, and others. In such a case, the AI can minimise the time taken to handle the cases in time as the Acts and Rules might have been already included in the customized software's soon.

### Conclusion:

The AI intervention is both inevitable and detrimental in Indian Judiciary at the same time due to points discussed above. Further, there can be no replacement for human tendencies, be it cognition or creativity. In order to save mankind from being taken over by Machines in handling voluminous and big quantum judicial data, there is an indispensable need for enforcers and implementing officers to have a strong hold on operationalization of AI capabilities in Judiciary, skill set and training in handling consequences with due diligence, both pro's & con's, and an unbiased approach towards usage of AI towards delivering justice in time, so that it is not the just another case of 'Justice Delayed is Justice Denied.' If this is served, there is no doubt that AI intervention in Indian Judiciary would equip it for the challenging days ahead in handling Service Matter Case Disposal.

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