

Impact of Artificial Intelligence on Indian Legal System

Dr. Syed Nuzhat Husain*

Assistant Professor, Department of Law, Shia P G College, Lucknow

Abstract – Developed technology like Artificial Intelligence (here in after AI) has spread across the world and provides them with improved and effective ways of providing via multiple sectors. AI aims to provide the machinery with a mechanism to replicate human nature in areas like problem-solving and critical thought by enabling the machine to think for itself. In this study we have first taken the general overview of artificial intelligence we have discussed the present scenario of artificial intelligence in the Indian legal system, advantages of artificial intelligence for law professionals, challenges of artificial intelligence in Indian law, impact of artificial intelligence over Indian legal system, face of future law firms which is concluded that It calls for comprehensive data protection law in India, along the lines of the European Data Protection Directive, the United Kingdom Data Protection Act (1998), the OECD Privacy Directive and Trans boundary Personal Data Flows Guidelines, 1980 and the United States Safe Harbour Principles. Secondly, the government has to put in place sufficient safeguards through preliminary reporting of information extraction for specific users i.e., information source.

Keywords – Artificial Intelligence, Data Protection, Law, Legal System

-----X-----

INTRODUCTION

The intelligence of a computer or machine to do the tasks that ultimately need human intelligence are artificial bits of intelligence. It's usually a robot or machine that thinks and behaves like a human brain. In the world nowadays the concept of computer-utilizing and managing the multifaction tasks formerly needed by human intelligence has become extremely popular as it is extending its radical roots into many sectors.

The primary reason for the creation of artificial intelligence is the necessity for automation in this life of people as it has a beneficial effect on our lives. The Indian judicial system, however, has witnessed a modest increase in technology since attorneys still depend on their traditional techniques. In law, this article addresses artificial intelligence and how it is applied by law firms, people and lawyers, and lawyers. The link between artificial intelligence and law in education, research, and innovation.

PRESENT SCENARIO OF ARTIFICIAL INTELLIGENCE IN THE INDIAN LEGAL SYSTEM

Artificial intelligence is a computer or robot that can do all the tasks that human intelligence requires. It helps people to get rid of regular tasks. It corresponds to the thinking people think at the human level and enables them to focus more on tasks that computers can't

accomplish. It is the science of computers that recognize the reason, to know, to imagine, to communicate, and to make choices like men. It has both good and bad effects for people since it helps effectively and efficiently to our work, but it may, on the other hand, actually take over thousands of individuals' jobs.

The concept of artificial intelligence and law are combined with computer and mathematical methods to make the law more rational, convenient, useful, practical, or predictable. Artificial intelligence enables us to seek ideas such as contract review and due diligence analysis, recognize changes in e-mail tone, and even devise where the computer knows what to draught and produces the document.

The Indian law practice is very traditional and manual. The concept of artificial intelligence in law is a little reluctant to the proponents. No doubt that you now use laptops/computers rather than writing machines, or send letters through fax machines utilizing online portals for legal research (such as Manu Patra and SCC online). It is equally true, however, that people need time to adopt new instruments. However, some lawyers can alter the way law companies and law firms operate. They shift their focus to artificial intelligence. But artificial intelligence is now in its early stage in India and will need some time to deploy correctly.

The advance in law technology has certainly brought an increase in legal professionals' duties. It may be an important factor in changing the way lawyers work and the law is seen in India. Various kinds of businesses that deal with artificial intelligence and law have long sought new ways to extend the technology to improve legal profession speed and accuracy. Even ordinary people may thus readily access the law.

Artificial intelligence in India is discovering ways to enhance work quality. As practiced, computers and robots cannot replace the function of the lawyer in court, but they can carry out research and draught a paper. The function of lawyers in the workplace may be significantly decreased. As artificial intelligence-created technologies assist in draught different legal papers. There is a huge Indian legal system and our constitution is the longest. A lawyer wants to attempt to perform many tasks, such as drafting a document and providing multiple support to his customers. Thus, the advocates will do their work in seconds with the help of artificial intelligence.

The research carried out by lawyers takes a variety of man-hour and lowers profit jointly. The whole legal society, therefore, may be balanced using artificial intelligence since research work takes just seconds. It saves time for drafting and helps lawyers to take more time in work. It helps lawyers do due diligence and research by providing them with additional insights and shortcuts in analytics. There are even different sectors in which law practitioners are using artificial intelligence technology. We may also observe that technology has prepared the way for multifunctional gadgets in this epidemic because it also has made life simpler, faster, better, and more interesting. It's an important tool we can't ignore nowadays. Because in this dynamic world existence without technology has no significance. This is one of the ways that we have remained in the world and part of our lives.

ADVANTAGES OF ARTIFICIAL INTELLIGENCE FOR LAW PROFESSIONALS

Artificial intelligence is supposed to have a very good scope since it is useful in many areas.

Due diligence

It is a technique that requires a lengthy number of hours since litigators need multiple papers to be reviewed. It covers the examination of contracts, legal research, and electronic discovery and is extremely difficult to arrange and convert in a short space of time. Thus, tedious work may be done simply using artificial intelligence technology.

Research work

The work of research is extremely complicated and needs many hours of human time and attention. The law researchers are therefore able to finish their work efficiently in one minute using artificial intelligence technology since the corresponding material is

supplied in only one click. This will optimize legal research and allow lawyers to gain legal time to specialize in law, negotiations, and strategy rather than waste time on daily routine tasks, since computers are capable to do the tasks much earlier than even the first trained human.

Technology prediction

The software system for artificial intelligence forecasts the probable result of an upcoming law or the new case brought before the Court. Software machine learning systems may group a capable number of data and this data is utilized for the preparation of the forecasts. These kinds of information are also more trustworthy than legal experts' forecasts.

Analysis of legal documents

The software system for artificial intelligence helps legal professionals to discover the previous law and also gives judgments in their current case.

Automated billing

The software system of artificial intelligence helps the creation of attorneys' invoices in line with their work. The law companies and lawyers will thus just interpret the exact amount of the granting facts of the practicing work carried out underneath them. It enables lawyers to spend more time on customer issues collaboratively.

CHALLENGES OF ARTIFICIAL INTELLIGENCE IN INDIAN LAW

Can under copyright law Copyright be given to the AI?

Since AI began to produce music and paintings, however, it has ultimately posed the question of the applicability to works made by creating the codes to the intellectual property law (copyright). What is Artificial Intelligence status under IPR law as AI transforms copyright law? What if AI develops any software? The essence of legal persons resides in their right to possess property and their capacity to sue and to be prosecuted. Since legal persons have not been solely granted to people according to Indian law, non-human entities such as businesses and other legal persons have been granted legal status. Until then, however, copyright has been granted only to real or legal people, and any machine or tool used to create any creative work is simply regarded as a tool and thus, no copyright was granted in the name of the software. The work produced by AI applications has been boosted nowadays by machine learning. The issue involves the law of the IPR Act to cover work produced by AI. The copyright and A.I. copyright law gaps are common and lead to a reduction in the value of new products.

Can AI execute the contract and be bound by its contract?

The capacity of an AI to execute contracts and to be bound by contracts is another issue. Under Indian law, the legitimate contract may only be signed by a "legal person." To date, the prevailing norm was that an AI cannot be considered a legal person. A contract concluded by an AI of its own cannot thus, in India, be considered as a legitimate contract.

Do we need to amend industrial or employment Laws?

The strength behind AI's growth is the demand for services automation, which results in the usage of AI to replace human resources. This wave of automation creates a gap between current employment regulations and the creating use of AI in the workplace. For instance, can an AI claim benefit like provision of funds payments or gratuities under current employment laws, or sue an enterprise for unfair termination of employment?? In most cases, such issues are relevant to the employees. The lack of clarity on the aforementioned questions in employment law may also have negative consequences.

Can Artificial Intelligence be given Legal Rights and Duties? Can legal personhood be given to AI? Can the locustadi be present for AI?

The question of whether legal personality may be bestowed on an AI hinge on whether legal rights and duties can be subject to it. A precedent for giving legal personality to AI is the legal concept established for corporate corporates. There is, however, a difference between corporates and AI. Corporates are fictitiously autonomous yet account for themselves via their stakeholders, whereas an AI may be independent. Currently, no law in effect acknowledges the legal person of artificial intelligence.

What should happen when autonomous vehicle accidents occur-What is the liability nature?

Who is liable for property damage or personal injury or death to a person caused by an autonomous vehicle accident? Self-employed vehicles pose complicated legal problems, for example, insurance liability. Can AI be held liable for actions of civil, criminal, or torture? What is the nature – civil or criminal or both – of this liability? The question of the division of liability is a major legal problem that arises when AI is used. Another matter that we identify the party responsible for damage caused by the application of the AI shall be whether it is the party that is liable following the "strict liability principle with certain exceptions" or the "strict liability principle 1982 without exception" - MC Mehta case- - that applies.

What is the AI attribute?

The liability of an AI is another question that arises. As an AI cannot satisfy the requirements of a legal person, the basic principle is that it cannot be held liable in its capacity. The greatest problem to this regulation is how to punish an AI for its misdeed or who is liable - would that be the technology developer, the merchant, or the end-user? Furthermore, would the parties, or otherwise, be liable for a joint contribution and multiple bases? For instance, would AI developers, automobile manufacturers, or drivers be responsible for a liability involving autonomous vehicles? What should be the basis of defining and granting liability?

IMPACT OF ARTIFICIAL INTELLIGENCE OVER INDIAN LEGAL SYSTEM

The judicial field is very complicated, particularly in the area of decision-making, where legal knowledge and emotional expertise are combined. Concepts like 'reasonable care,' 'purpose' and 'justice delivery' are interwoven with human existence. It places the burden of precision and consistency of judicial judgments on the fact that all court decisions, except for higher tribunals, are subject to review by higher courts. Due to the large and dynamic nature of the legal sector and the various beliefs and situations, it is a complicated one.

While we witness the extremely efficient technology of AI in sectors such as humanoid robots or automatic help on our phones, there is little technological progress in the legal sector. AI is yet to be used in the Indian legal system for regular support. In many tasks, such as documentation, research, exams, data analysis forecasts, and much more, the Indian legal system is still bound by conventional techniques. There have been no major technological advances in this sector with numerous modifications in technology.

AI is utilized in some areas, for example in the diligence analysis and automation of contracts. Some areas of its potential users have been mentioned below to explain the necessity for AI in the legal sector.

Analytics

AI can evaluate and get possibly significant information and judgments and precedents from multiple sources and backlogs applicable to the present case.

Compilation

It is possible to use a single document for comparing reports and compiling data.

Research assistance

This saves time in research and informative research by expeditiously traversing multiple sources and reduces the burden of manually traverse the sources.

Analysis

Evidence and testimony may be analyzed using specialist AI systems to avoid mistakes and report without influence and at the same time to indicate any inconsistencies.

Automation of documents

You may create papers by just entering the information you need, which takes much more time manually.

Intellectual Property

AI can offer insight into the current intellectual property portfolios and provide all the information, such as trademark registration, copyright, and patent registration.

Due diligence

By checking a contract and doing legal research in good time and making mistakes.

The worry if AI replaces lawyers, as well as the aforementioned characteristics that assist the legal sector, is genuine. The obvious fact that using AI to aid or enhance efficiency cannot be targeted at an advocate's work is based on the fact that the profession is guided by analysis, decision-making, and representation, which cannot be automated simultaneously.

To support the theories, the Chief Justice of India, Justice SA Bobde, addressing on 26 November 2019 on Constitution Day, said: "We want to introduce an artificial intelligence system, if feasible. Before we introduce ourselves, we have to look at several things. We don't want to convey the idea that this will always replace the judges." He said, "While we talked about addressing artificial intelligence in the courts, I firmly believe that the experience of systems that employ artificial intelligence is only the repetitive view of decision-making or decision-making, such as a rat. on Income Tax Appellate Tribunal Day, he said, 'It is something that I have to make quite clear. He warned that AI cannot replace human beings and in particular the judges' expertise and judgment.

This approach by the Chief Justice of India shows that AI is being examined to benefit the Indian system of law. The biggest effect is the large number of outstanding cases that still have to be dealt with.

FACE OF FUTURE LAW FIRMS

Over the last several years, however, the legal sector has witnessed a significant increase in competition not just worldwide, India. It is now crucial for law firms to achieve a competitive edge by recognizing technological advances and technology needs. Those who turn a blind eye to these developments would, unfortunately, be obsolete in the coming years.

Future law firms are different from what we see now. Let me clarify some of the features of what sophisticated law firms are like:

Service customer innovations

The way customers are served and handled will alter dramatically in the future. Law firms will provide new ideas and more authentically and financially sound legal solutions to their clients. In India, law firms now charge their services based on the time required for the service to be based, or in other words, but the cheap hour technique, however, will be obsolete in the future. To better serve their clients, law firms would seek innovation in pricing methods and adopt a cost-effectiveness strategy [PBPS]: This price model will be very customer-friendly since clients pay once they reach goals, and the professional connections between customers and law firms are reinforced by this term.

Revenue focus to higher profit

Law firms are now focusing on increased revenue, with competition between law firms continuously growing and demand legal services stagnating, making revenue growth very challenging. Thus, law firms in the future would focus on greater profits and margins rather than revenue.

Making Technology the basis of growth

In recent years, we see an important launch of new IT-based solutions that will enhance the efficiency and customer friendliness of the legal sector. Various legal tech companies have been founded to improve the life of a lawyer or a firm from the automation solutions for E-Discovery in contract drafting and trademark search. Legal solutions based on artificial intelligence assist law firms make themselves more efficient, potentially lower costs and earn more profits. In addition to these technologies, the future law firm will work in synergy with other businesses to provide AI-based solutions that may further improve the legal sector.

High brand value focus

In tomorrow's law firm, the brand presence would become a future focus. A sloppy or irresponsible counsel from just a few people may quickly harm a company's image, and thus the brand value law firm has to depend on AI-based legal solutions and platforms with technologically knowledgeable

lawyers. On the other hand, law firms must also arrange more conferences and take part in cross-border workshops and seminars.

ARTIFICIAL INTELLIGENCE'S CONTRIBUTION TO HUMAN PRODUCTIVITY: BOON OR BANE

The lawyers and law firms are wrongly going that artificial intelligence or machine learning is a danger to their lives or that Artificial Intelligence is replacing lawyers. Evidence suggests that artificial intelligence will only let legal lawyers and law firms do more with less and be much more productive than their predecessors in other sectors and vertical industries like e-commerce, sanitary, and accountancy. I think that artificial intelligence will start from what is traditionally known as the "bar," and eventually reach the "bench," in which the judges may even use the power of NLP Summary to collect the total of both sides' arguments. Judges may rapidly determine whether the section has merit following the Acts/Statutes and the current laws on the dispute subject law.

Based on the preceding arguments, we see no reason to take over the employment of professionals by Artificial Intelligence. Indeed, AI will enhance the productivity, effectiveness, better, accuracy and targeted outcome of professionals.

CONCLUSION

In the legal field, technological progress has altered the framework within which it works. Without looking at the program AI that is developing on legal tech marketplaces, it is difficult to assess the future of the legal business. The legal company is now being led by the purchaser. Legal data is only a click. Legal research is carried out through internet software. Legal advisers and firms assist in the drafting and examination of agreements and case records of these goods. A legal framework governing artificial intelligence is thus extremely essential if we are to control businesses in legal tech and protect clients from abusing their data. It is necessary to monitor the degree of the use and incorporation of AI and create a suitable legal framework. The data protection system in India is frighteningly fragile to meet the speed of AI development, if it violates a data protection framework, and is to be blamed for the lack of human involvement. The Information Technology Act 2000, broadly speaking, is the sole item of law that 'touches' this matter. While there is no doubt that some data protection and privacy safeguards are set out in Sections 43A and 72 of the Act, the safeguards are, because of the opaque nature of these provisions, well short of real protection. It raises for comprehensive data protection laws in India, in line with the European Data Protection Directive, UK Data Protection Act (1998), the OECD privacy policy, and the United States personal and Safe Harbor principles in 1980. In this context, we need comprehensive data protection

law in India. Secondly, the government has to put in place sufficient safeguards through preliminary reporting of information extraction for specific users i.e., information source.

REFERENCES

- [1] Roger C. Schank (1987). "what is AI, anyway?", American Association for Artificial Intelligence Menlo Park, CA, USA, Volume 8 Issue 4, Winter 1987, Pages 58 - 65
- [2] <http://www.mondaq.com/india/x/712308/new+technology/Can+Artificial+Intelligence+Be+ Given+Legal+ Rights+And+Duties>
- [3] Tutorials Point, Artificial Intelligence, Intelligent Systems, https://www.dcphevpm.org/E-Content/BCA/BCA-III/artificial_intelligence_tutorial.pdf.
- [4] Nils J. Nilsson (2010), The Quest For Artificial Intelligence A History Of Ideas And Achievements, Stanford University, Cambridge University Press, <https://ai.stanford.edu/~nilsson/QAI/qai.pdf>.
- [5] Meruja Selvamanikkam (2018), Introduction to Artificial Intelligence, Becoming Human, (Aug 29, 2018), <https://becominghuman.ai/introduction-to-artificial-intelligence-5fba0148ec99>.
- [6] Michael Brady, Artificial intelligence and robotics, Science Directs, <https://www.sciencedirect.com/science/article/abs/pii/S000437028590013X>.
- [7] Editors of Encyclopaedia Britannica, R.U.R. PLAY BY ČAPEK, Britannica, <https://www.britannica.com/topic/RUR>.
- [8] Russell and Norvig (1995), Artificial Intelligence A Modern Approach, Library of Congress Publication, <https://www.cin.ufpe.br/~tfl2/artificial-intelligence-modern-approach.9780131038059.25368.pdf>.
- [9] Andrew Myers, Stanford's John McCarthy, seminal figure of artificial intelligence, dies at 84, Stanford Report, (October 25, 2011)
- [10] David Cassel (2017), Remembering Shakey, the First Intelligent Robot, The Newstalk, (5 March 2017), <https://thenewstack.io/remembering-shakey-first-intelligent-robot/>.
- [11] Sunil Kumar, Advantages and Disadvantages of Artificial Intelligence, Towards Data Science, (Nov 25, 2019),

<https://towardsdatascience.com/advantages-and-disadvantages-of-artificial-intelligence-182a5ef6588c>.

- [12] Jacky Liang & Others, Job Loss Due To AI — How Bad Is It Going To Be? Skynet Today, (February 04, 2019), <https://www.skynettoday.com/editorials/ai-automation-job-loss>.
- [13] The Norwegian Data Protection Authority, Artificial intelligence, and privacy, Datatilsynet, (January 2018), https://iapp.org/media/pdf/resource_center/ai-and-privacy.pdf.
- [14] Marc Wilczek (2019). Cybercrime: AI's Growing Threat, Dark Reading, (June 10,2019), <https://www.darkreading.com/risk/cybercrime-ais-growing-threat-/a/d-id/1335924>.
- [15] Mirza Aslam Beg, Impact of Artificial Intelligence on Indian Legal System, Legal Service India, <http://www.legalserviceindia.com/legal/article-631-impact-of-artificial-intelligence-on-indian-legal-system.html>.
- [16] WIPO, Artificial Intelligence and Intellectual Property, https://www.wipo.int/about-ip/en/artificial_intelligence/.
- [17] Smriti Srivastava, Supreme Court To Use Artificial Intelligence For Better Judicial System, Analytics Insight, (November 27, 2019), <https://www.analyticsinsight.net/supreme-court-use-artificial-intelligence-better-judicial-system/>.
- [18] PTI, Artificial Intelligence Is Useful for Judicial Process but Can't Replace Humans: Chief Justice of India, Bloomberg, Quint (January 24, 2020), <https://www.bloombergquint.com/law-and-policy/ai-can-be-used-in-judicial-process-but-cannot-replace-human-discretion-cji>.

Corresponding Author

Dr. Syed Nuzhat Husain*

Assistant Professor, Department of Law, Shia P G College, Lucknow