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AN ARTICLE ON ARTIFICIAL INTELLIGENCE- THE NEW ERA IN LAW

OVERVIEW

Artificial Intelligence has revolutionized the modern world as it is a gift of science and technology to the mankind. Since its relatively recent initiation, artificial intelligence (AI) has simplified human life in a variety of ways as it is used to achieve the same outcomes as individuals. The current generation is experiencing a technological phase in which artificial intelligence (AI) plays an essential role.

Artificial Intelligence is slowly but surely making its way into peoples daily lives. It is definitely going a long way toward completely shaping the world, giving the modern era of computation a new boost. And the working environment will become so simple and convenient as a result of this new technological revolution. The fact that modern machines are programmed to think and act with a certain level of human intelligence will significantly alter the technological world.

AI generally is thought to refer to machines that respond to stimulation consistent with traditional responses from humans, ability to replicate human behavior, given the human capacity for contemplation, judgment and intention. AI could comprehend how humans, animals and other machines feel and make decisions through self-reflection and determination, and then will utilize that information to make decisions of their own.

A famous example of the same is machine *Deep Blue*, which was designed by IBM in the 1990s as a chess-playing supercomputer and defeated international grandmaster Gary Kasparov in a game. Therefore, Artificial Intelligence has changed the way world thinks and performs.



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ARTIFICIAL INTELLIGENCE AND LAW

Artificial Intelligence has a significant impact on all professions and industries; automobile, literature, art, medicine etc. and law is clearly not immune to the advancement of such technologies. At its core, the relation between AI and law imply the incorporation of computer and mathematical techniques to make the law more understandable, manageable, useful, accessible, or predictable.

Even though Artificial intelligence and its application in the legal field has become a trendy topic nowadays, however the foundation of this was laid way earlier, in the first "Artificial Intelligence + Law Science" conference was held at Boston University in the United States in 1987. The conference also established IAAIL (International Association of Artificial Intelligence and Law). In 1991, the International Association of Artificial Intelligence and Law (IAAIL) was established to promote the research and application of artificial intelligence and law, which is an interdisciplinary field. It proposed ten major topics of artificial intelligence in the field of legal application.

With new century, rapid developments in AI has led to new advancements in the legal field with relation to Artificial Intelligence. Watson, a cognitive technology, to enhance legal research is being employed by American companies. Another legal research product, WestlawNext, was designed to mimic the behaviors of expert law researchers. In 2015, LexisNexis acquired a Silicon Valley based Lex Machina which currently uses artificial intelligence for intellectual property litigation. At, present, ROSS, the world's first AI lawyer, built on IBM's cognitive computer 'Watson', uses algorithms to mimic the human brain's learning, analytical, and decision-making processes. In UK, DoNotPay, a robot lawyer, can help users to challenge traffic tickets and to prepare legal documents. Now it has expanded to government housing applications, refugee applications and other legal services. In February 2018, the AI system developed by lawgeex, an Israeli legal technology company, defeated 20 top lawyers with rich experience in standard business contract review competition.



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LEGAL ASPECTS OF ARTIFICIAL INTELLIGENCE IN INDIA

India can no longer remain indifferent in the face of this situation. The legal profession is currently operating in a fairly conventional manner and hesitant to adopt new technologies. It's time for lawyers to accept that Artificial Intelligence has the potential to transform the way lawyers currently work and the way law is viewed in India. As stated by Justice D.Y. Chandrachud, *“technology is relevant insofar as it fosters efficiency, transparency, and objectivity in public government. AI is present to provide a facilitative tool to judges in order to recheck or evaluate the work, the process, and the judgments.”* The primary purpose is to give common people greater access to justice in the long run.

Nonetheless, there are many tech-savvy lawyers, as well as large law firms, who are taking full advantage of technological innovations in order to get an advantage over their competitors. Cyril Amarchand and Mangaldas is one such firm that has recognized AI's capabilities and is enthusiastically adopting it. CAM has achieved history by becoming the first Indian law practice to license “Kira,” a machine learning program developed by Kira Systems in Canada. This AI-based software can handle a lot of things, which saves a lot of time and effort. The “Kira” technology is used to analyze legal papers, locate and spot any potentially dangerous areas, and extract provisions from various legal documents. In this way, the legal industry is coming up with the new emerging ideas to adopt technology with its fast-growing pace. In **Sri C. Shiva S/o Chikka Chowdappa vs The State Of Karnataka¹**, the court held that the State should set up a committee to compile best practices as well as to develop an artificial intelligence based expert system which can be used by the investigating officers at any stage of the investigation to seek guidance and tips to take their search for missing persons forward to fruition. The expert system should consider the steps taken by the Investigating Officer till then and thereafter suggest possible steps for further investigation based on prior experience and best practices. The service of information technology/artificial intelligence experts could be gainfully employed in this regard.

¹ 2007 (3) KarLJ 148



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According to the draft of Detailed Project Report (DPR), artificial intelligence (AI) could be used for forecasting and prediction, increasing administrative effectiveness, automated filing, intelligent scheduling of cases, improving the case information system, and communicating with litigants via chatbots, which could aid in early case resolution. Also there are numerous Indian legal tech startups, including SpotDraft, CaseMine, NearLaw, Pensieve, Practice League, etc., are developing Natural Language Processing [NLP]-based applications and launching next-generation legal research platforms for helping lawyers to avoid time consuming researches.

APPLICATION OF ARTIFICIAL INTELLIGENCE IN INDIAN JUDICIARY

Justice delayed is justice denied. Delivering justice on time is a dire need for the nation. Can artificial intelligence (AI) be used in judicial processes to reduce the pendency of cases? In response to this, Law Minister Kiren Rijju said that while implementing phase two of the **eCourts** projects, under operation since 2015, a need was felt to adopt new, cutting edge technologies of Machine Learning (ML) and Artificial Intelligence (AI) to increase the efficiency of the justice delivery system. Also, the Supreme Court of India has constituted Artificial Intelligence Committee which has mainly identified application of AI technology in Translation of judicial documents; Legal research assistance and Process automation.

The Supreme Court in 2021 unveiled its Artificial Intelligence (AI) portal SUPACE, The **Supreme Court Portal for Assistance in Court's Efficiency (SUPACE)** is a tool that collects relevant facts and laws and makes them available to a judge. It is a hybrid system and a perfect combination of human intelligence and machine learning that works wonders in combination with human intelligence. Anot great effort to increase access to justice is **SUVAS (Supreme Court Vidhik Anuvaad Software)**. It is an AI system that can assist in the translation of judgments into regional languages. Earlier, the E-Court Project was conceptualized on the basis of "**National Policy and Action Plan for Implementation of Information and Communication Technology (ICT) in the Indian Judiciary - 2005**" submitted by the **e-Committee of the Supreme Court**



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Every year, a large number of cases of a similar character are filed, necessitating the use of data science and artificial intelligence (AI) to assist courts by employing predictive technology to provide critical information about ongoing cases based on prior cases of a similar nature. According to studies, AI can be very useful at the evidence stage, which is a critical point in any case. Because it is such an important stage in any case, it consumes a significant amount of court time. AI-assisted analysis can assist judges in making quick decisions. It can be useful in Facial recognition, finger prints recognition etc.

USE OF ARTIFICIAL INTELLIGENCE DURING COVID-19

People's life has been impacted by the covid-19 epidemic. In the realm of law, it has undoubtedly made lawyers and judges see the value of technology and the necessity of employing AI and machine learning software to complete their tasks. Over the course of the COVID-19 pandemic, the use of technology for e-filing, and virtual hearings has seen a dramatic rise. From the beginning of the lockdown in 2020 until January 2022, the Supreme Court of India emerged as a global leader by conducting 1,81,909 virtual hearings irrespective of the fact that legal industry is least dependent on the technology and majorly on human workforce. In the case of **Swapnil Tripathi v. Supreme Court of India**², the Supreme Court of India acknowledged the notion of live streaming of proceedings, with the exception of specific situations such as rape and matrimonial cases. Delivery of justice comes under the essential services. Hence, new methods need to be adopted for unceasing delivery of justice. Courts resuming with the workings in Covid lockdown through channeling with e-rooms has, therefore, made it possible to embrace technical breakthroughs, including AI, and go forward on the path of growth.

AREAS IN LAW WHERE ARTIFICIAL INTELLIGENCE CAN BE USED

1. **Documentation:** - Documentation is one of the most important sectors where AI and ML can be deemed as a boon for the legal industry. Artificial Intelligence can be used in managing documents in a systematic manner in a particular folder. It can help lawyers finishing documenting work within seconds.

² WRIT PETITION (CIVIL) NO. 1232 OF 2017



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2. **Legal Investigations:** - AI can be used in facial recognition, finger print recognition, digital signature etc, which are deemed to be important aspects in criminal investigation by investigation agencies. It can be equivalent to the oracle mechanism and hence, resulted in prognosis outcome.
3. **Intellectual Property matters:** - Artificial intelligence algorithms demonstrate lawyers how to examine massive IP files and extract meaning from a variety of attractive texts.
4. **Research:** - An artificially intelligent research platform can complete research in seconds, and whether a law firm has 400 lawyers or a single practising lawyer, AI can balance the costs of legal research while maintaining a consistent level of quality.
5. **Client service Innovation:** - AI robots can serve clients with pre-loaded information about same tasks and same work profile and hence, save time of the lawyers who are dealing with clients for hours verbally.

CHALLENGES OF AI IN LAW

1. **AI is still in its infancy-** Having said that, though Artificial Intelligence is taking world over storm, everything has its pros and cons. AI and Machine language can be useful in tribunals where there is no major need of oral evidences and cross examination. But in criminal cases where oral evidence and cross examination are key processes, we have to rely on regular human intervention.
2. **Artificial Intelligence lacks human emotions-** Human emotions behind the matter plays a vital role in fighting for justice. Human emotions attached with the matters brings creativity to the matter. Artificial Intelligence is a technology that is completely based on pre-loaded data. However, Artificial Intelligence can learn over time with this pre-fed data and past experiences, but it cannot be creative like humans.
3. **Lack of proper system and data-** Legal industry is evolving with the fact that there is something new every day and hence, artificial intelligence lacks potency. It cannot be improved as human. It can perform the same task repeatedly, but if you want some improvement and changes, you have to change the command for the same. However,



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it can store unlimited data that humans cannot, but also it cannot be accessed and used like human intelligence.

4. **Role of Ethics-** Ethics and morality are the two most important features of humans, but it isn't easy to incorporate both of these into Artificial Intelligence. Advocacy demands ethics in professional world. However, it will be difficult for the professionals to formulate machine ethics and if it becomes uncontrollable, it may wipe out humanity.
5. **Legal identity of AI is not defined-** robots are complicated in nature which makes it impossible to determine whether ordinary laws and norms would apply in the same way. As a result, unless the rights and obligations of AI-driven devices and tools are clarified, there will be misunderstanding, because the current legal system does not hold a robot liable for its own actions or omissions.
6. **Cost/Expensive-** Installing AI or ML is a costly affair. It requires a significant financial commitment. The majority of AI-driven machines are manufactured by foreign corporations, making it even more difficult for small and mid-sized law firms to obtain them; only large law firms can afford them. Where government is taking lots of effort for making litigation cheap and affordable in contrary to the concept of AI, Law firms will demand huge fees for their services provided by the robots.
7. **Threat to privacy-** Legal framework works on the concept of *Confidentiality*. It is critical that the legal framework ensures that the data is not misused, that confidentiality is maintained, and that a fair due process is followed, and that a security layer to prevent privacy breaches is implemented. In 2018, the NITI Ayog released a policy paper titled "National Strategy for Artificial Intelligence," which considered the importance of AI and how it can be used in various sectors in India. In the 2019 Budget, it also proposed the launch of a national AI program. Despite this fact, there is no mandatory regulation and restrictions with the workings of AI because it is conceptually new to the world as well as to India. India still lacks effective legislation that regulates and controls the AI industry.



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CONCLUSION

In the end the questions are: *Can AI function in the area of litigation? And can artificial intelligence replace human intelligence in the legal profession?*

Artificial Intelligence is no-doubt, an intelligent way ahead and there is no doubt that artificial intelligence has been involved in the law field. At the same time, enough attention should be paid to it. There have been many revolutionary breakthroughs in the field of law with respect to technology and artificial intelligence. The recent developments in AI surely helps the lawyers and law firms to make objective and accurate predictions and provide with enhanced legal research tools. In the future, the advancement of such predictive tools will enhance transparency and empower lawyers to work more efficiently, deepen and broaden their areas of expertise, and provide greater access to justice.

In the present scenario of India, AI is still in its infancy phase, especially in respect of Indian legal system. To ensure AI's inclusion, we need to take a balanced approach. Here are a few suggestions:

- 1) A solid regulatory framework that clearly states the obligations and liabilities of this intelligent machine must be created.
- 2) The accountability aspect must be considered in order to govern its behavior.
- 3) To safeguard privacy, tougher data protection regulations are required.

And to answer to the latter, there are various AI research tools benefit the lawyer's research needs but these are just tools to assist and not to replace. AI is being developed for assistance and not replacement, these automations of work is targeted to eliminate the tedious tasks, allowing lawyers to perform at high level that requires human judgment.

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³ Majesty legal is law firm, established in 2013 by Ms. Mahi Yadav and aim of the present article is to provide insights on law and statutes. The opinion presented is personal in nature and not to be deemed as legal advice.