

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner what sever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

EDITORIALTEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC-NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpna

Assistant professor of Law

Mrs.S.Kalpna, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law,Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN- 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

ARTIFICIAL INTELLIGENCE IN GOVERNANCE: A DOUBLE-EDGED SWORD

AUTHORED BY - MAHEK MOHTA, MEET PARMAR,
UTSAV PATEL & MAYANK PRAJAPATI
Haveli Institute of Legal Studies and Research

Introduction

Artificial Intelligence (AI) is viewed as one of the most revolutionary inventions of this century. In general, AI denotes the replication of human intellect by devices, particularly computer systems, capable of performing tasks such as learning, reasoning, problem-solving, and decision-making. Unlike regular software that is based on strict instructions, AI updates and enhances through the use of data and practice. The concept of governance has changed from just administration to the processes, institutions, and mechanisms through which the right to exercise authority, manage public resources and protect citizens' rights and obligations is allocated. Good governance is a cause of four good qualities: efficiency, transparency, accountability, and inclusiveness, and these are the values that AI promises to improve. Most of the widespread Vodafone's half a world policy idea, or it is actually the use of machine learning – AI by governments – can be found in administration, law enforcement, healthcare, taxation, and even in a judicial function. The implementation of AI is revolutionizing the relationship between the state and its citizens from Estonia's e-governance model to India's Aadhaar-enabled welfare systems. Nevertheless, this revolution in technology is accompanied by major difficulties.

Utilizing AI in governing may result in a win-win situation as well as a disaster. While it additionally offers the government to work more efficiently, more transparently, and provides a better access to the citizens, there are concerns about invasion of privacy, surveillance, bias, lack of accountability, and dismissal of people. The central problem is that, by helping AI become the catalyst for human progress, it can still become a source of dangers which could lead to the violation of democratic values as well as human rights.

Objectives of the Study:

1. To examine the benefits of AI to the government.
2. To thoroughly analyze the inherent risks of technology usage.
3. To compare case scenarios from India and other nations.
4. To investigate the legislative and moral principles that govern AI.
5. To present advice for the ethical application of AI in government.

Working Principle:

The study follows a theoretical design and it analyzes the existing legal system, policies, and court rulings, and at the same time, it compares the judgments of various countries in the world. The study also looks at practical examples of the introduction of AI technologies.

2. AI and the Promise of Better Governance:

2.1 Efficiency & Automation:

Employing AI tools a lot of the time can cut down the bureaucracy and the delay that comes with it at the same time. Virtual assistants and chats have already been taking care of millions of citizen queries, hence the waiting periods have been considerably shortened and the work of the personnel has been lightened. For instance, digital helpers in the municipalities are capable of handling different requests such as issuing certificates or filing complaints without physically interacting with the citizens. The process of automated document verification and digital signatures has not only contributed to the decrease in the amount of paperwork but also has the potential to eradicate mistakes thus making the process faster and more dependable.

2.2 Transparency & Accountability:

The AI-powered dashboards that are connected with the Internet have the ability to monitor government plans in real time; therefore, there are high chances that money will be properly utilized as there will be a clear record of it. The analysis of the future can uncover anomalies in the processes of purchasing or spending money, which will lead to corruption being less or even entirely eliminated. In India, AI-powered Direct Benefit Transfers (DBT) have made a significant contribution to the reduction of welfare fraud. Such systems confer power to the citizens in tracking the actions of the government and thereby they operate as an instrument of democratic accountability.

Policy-making was heavily dependent on data that was less comprehensive and on the

subjective judgment of the policymakers. AI allows governments to employ large data analytics to predict trends not only in the economy but also in healthcare, crime, and the environment. Let us say, through predictive policing, as one of the AI applications, one can delineate the areas from which crime will likely emanate, while using particular AI-based economic models, we can project situations of inflation or unemployment of the economy under study. Insightful use of data diminishes luck and makes up for rational policy-making.

AI-assisted e-Governance platforms facilitate contact between citizens and the state. Through online grievance portals and AI-driven opinion systems, citizens are enabled to be more efficient in their places of governance. The smart city program employs AI, among other things, for the purpose of traffic management, waste disposal, and energy-saving, all of which contribute to better city living. However, such programs are the ones that inspire people to feel involved as they tend to be very close to the administration and thus more accessible.

3. The Perils of AI in Governance:

3.1 Algorithmic Bias & Discrimination:

AI systems try to model human behavior by using data as examples. AI will perpetuate if the data is biased due to the historical inequalities of the society in question. To illustrate this, we could say that the data used to teach predictive policing may result in such a system unfairly targeting the least privileged groups if the historical data is inaccurate. Automatization of welfare can only become truly fair if errors in algorithms are kept minimum. As these errors have the power of excluding true beneficiaries, which means discrimination by the law.

3.2 Privacy & Mass Surveillance:

The way AI depends on massive data collections inevitably creates privacy concerns. In India, the Aadhaar system is widely criticized for the possible exploitation of the citizens' biometric data. The deployment of AI with facial recognition technology in public areas has the potential of turning the whole society into a surveillance state. The Social Credit System of China is a glaring case where surveillance imperils personal freedom.

AI confuses the chain of command in a way that it becomes unclear who is responsible in case a technology-assisted welfare system wrongly rejects benefits. Then is it the coder, the state, or the officer who is in charge? The uncertainty of the responsible person is challenging for the traditional legal system that allocates responsibility to people only.

Automation in government reduces the number of jobs in the clerical and administrative area. Even though AI opens the door for technical vacancies, the loss of unskilled jobs causes social and economic problems. Authorities will have to weigh the pros and cons.

Using AI to govern assumes that users are digitally literate and have access to the internet. In countries like India where there are a lot of people living in remote areas, many of them are technologically illiterate which causes their exclusion. Thus, the digital divide could lead to an increase in the difference between the city and the countryside and even among the different social classes.

We should discuss the statements and questions of the 4th chapter through case studies.

4.1 India:

Artificial Intelligence In Aadhaar-based Welfare Delivery:

India's Aadhaar scheme, which is a global leader in biometric identification systems, has adopted AI that assists in the detection of fraud and duplication in welfare systems. This initiative has facilitated the delivery process; however, data leaks, and exclusional mistakes are still some of the issues that come up.

Artificial Intelligence in Law Enforcement:

The Hyderabad police are testing the limits of the technology by combining predictive policing and facial recognition. The improvement in crime detection was one of the results that came with it; however, it also generated some ethical worries about profiling and privacy.

AI in Judiciary:

The Supreme Court started using AI translation tools for judicial decisions and is trying out case analysis systems that could help judges with their legal research. These measures lead to better productivity but still, human judgment is necessary.

4.2 Global Examples:

China – Social Credit System:

China implements AI in scoring the habits of its citizens, rewarding the “good” ones while penalizing the “bad” ones. Although the system fosters discipline, it is highly limiting by the individual rights and raises concerns about the potential trend towards an autocratic style of governance.

Estonia – AI in e-Governance:

Estonia is the most advanced country in the use of AI for taxation, digital signatures, and online voting. The interaction of citizens with the government is easy and smooth, thus showing the potential of AI in trust-building in governance.

EU – Ethical AI Adoption:

The European Union focuses on user-friendly AI. Its rules aim to balance the right to privacy with the right to innovate, at the same time preventing the abuse of AI and promoting economic growth.

5. Legal and Ethical Challenges:

5.1 Indian Legal Framework:

India has implemented many digital programs including Digital India and NITI Aayog's National Strategy for AI (2018). The Digital Personal Data Protection Act, 2023 controls the practice of handling individuals' data and aims to provide privacy to citizens. Still, there are difficulties in law execution, and AI-specific rules are only halfway through.

5.2 Global Frameworks:

EU AI Act (2024): This legislation divides AI applications into categories of the most dangerous, high risk, and least risk, and the last groups are obligated only to submit to requirements schedules in the code of practices.

UNESCO's AI Ethics Guidelines:

These guidelines highlight the aspects of human rights, sustainability, and fairness.

OECD AI Principles:

These principles focus on transparency, accountability, and human-centered AI.

5.3 Ethical Dilemmas:

The government is in a tight spot: how to allow AI to innovate and on the other hand, protect the rights of the citizens? Too much regulation can slow down the developments but if there is too little regulation, the opportunities for misuse will be high. The hardest problem of AI governance is the one of combining efficiency with privacy, the latest with accountability, inclusiveness with security and so on.

6. AI in Governance as a Double-Edged Sword:

The situation of AI as a double-edged sword fits very well the idea of its function in governance.

Positive Edge:

1. It raises the productivity of the government and at the same time it lessens the waiting time of the citizens.
2. It actively monitors and limits the possibilities of corruptive practices.
3. It supports the decision-making process through providing factual data and stats.
4. Grants to the citizens the access to the decision-making process via interactive programs.

Negative Edge:

1. AI technology can be prone to increase the number of 24/7 surveillance cases and threaten the individual's right of privacy.
2. Intelligence can also be biased to the extent where it discriminates certain groups of people.
3. With AI, there will be less accountability in governance as some decisions are entirely made by AI.
4. AI technologies are capable of potentially taking over human labor jobs and widening the economic and digital gap between the rich and the poor.

So, it is the duties of the governments to juggle both aspects wisely. Instead of substituting human judgment with AI, the technology should be used in support of the former.

7. Recommendations & Way Forward

Clear Regulatory Frameworks:

Besides other responsibilities, the government ought to come up with a set of laws specifically for AI, which clearly defines who will be liable, what use is allowed and what protection has been provided to avoid misuse of the AI.

Ethical AI Guidelines:

Socially responsible leading to the above-mentioned ideals should be the major foundation of ethics in AI use in governance.

Capacity Building:

To successfully implement AI, training for bureaucrats and judicial officers is a must-have

event. The responsible and efficient use of AI will depend on it.

Citizen Rights Protection:

Along with firm data security legislations and complaint redress mechanisms, the protection of the privacy, dignity, and fairness of citizens must also be ensured.

Bridging the Digital Divide:

Rural area internet access, digital literacy activities, and AI services for all, may be the triple winning solution to the problem of digital divide.

Encouraging Innovation with Checks:

Sandboxes and pilot projects should AI systems be tested before large-scale use, in such a way that both innovation and safety are ensured.

8. Conclusion

The use of Artificial Intelligence for Governance is revolutionizing it unlike anything else previously. The power of this technology to simplify operations, promote openness, as well as enable decisions based on data, is an important asset for any modern government. At the same time, issues related to monitoring, bias, responsibility, and discrimination cannot be left aside. Moreover, AI in governance offers great advantages, but also comes with certain risks behind the curtain. The dilemma among policy makers is how to effectively use a combination of innovation, control, efficiency, inclusiveness and technology, coupled with human smart judgment. The objective must not be the substitution of human hand by machines, but the creation of a symbiotic relation where AI supports the human governing team in becoming more effective, ethical and fair. Thus, Artificial Intelligence becomes the true democratically legitimised driver of technology enabled good governance, and not its enemy.