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# **“AI AGAINST LAWYERS: A SUBSTITUTE OR A HAND IN HAND RELATIONSHIP.”**

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## **I. Introduction**

Artificial intelligence is a machine learning technology which is very much important for our future lives. Various sectors are benefited from this technology but sometimes these technologies can be misused and are made to perform in harmful ways. In today's world it is necessary that every technology is socially acceptable and justifiable<sup>1</sup>. AI plays a very important role in our life but also brings a lot of challenges for the people so it should be properly governed by the law. Law should be made and amended for the proper regulation of this technology after which the lawyers, courts, firms and other legal entities should be able to accept it properly which will result in the widespread adoption of artificial intelligence throughout the country.

## **II. What is Artificial Intelligence ?**

Artificial Intelligence (AI) is a computer system in the form of a machine, robot or are fed in the computer itself which are able to think and perform tasks like humans. It is a digital computer or a computer controlled robot which performs tasks the same as humans.

AI's programming does have various types of components which together help out to work and think like human brains. Some of the components which are included in the intelligence are discussed

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<sup>1</sup> Artificial intelligence: Legal challenge in India, *available at:* [https://www.researchgate.net/publication/335967041\\_Artificial\\_Intelligence\\_Legal\\_Ch](https://www.researchgate.net/publication/335967041_Artificial_Intelligence_Legal_Ch) (last visited on November 17,2020).

below:-

1. **Reasoning** : It has the ability to do reasoning between the right and wrong or between the two simple situations in which why, how and where are answered. Reasoning is of two types: deductive and inductive. In deductive reasoning , the truth of the premises guarantees the truth of the conclusion and in inductive reasoning, the truth of the premise lends support to the conclusion but without absolute assurance. So reasoning is one of the abilities of artificial intelligence. It can determine the premise and hence can end up on the conclusion on its own.

2. **Fast Learning** : These artificial intelligences are great learners. They can learn things, words, methods of playing certain games , other abbreviations of words etc.

- One of the major learning methods which is used by artificial intelligence is the TRIAL AND ERROR<sup>2</sup> method. In this method the artificial intelligence tries something at first point and if it appears to be the wrong try then it learns from that and next time it doesn't repeat the same mistake because the solution is now learned by it and stored in its memory (like chess moves).
- Another method is called ROTE<sup>3</sup> learning, which is termed as the memorizing of individual items and procedures at a time. Once there AI has learned something it will not change or improvise on its own and will address the same things which it has learned at the start until and unless it will again learn that new thing later.
- Another complex method of learning is GENERALIZATION<sup>4</sup> . This method includes part experience in similar new situations. So on the contrary with Rote Learning , this method is working on an “add ed” rule where the artificial intelligence can improvise on its own even if it has not learned it yet.

3. **Perception** : Artificial Intelligence robots and AI loaded machines are equipped with this intelligence. AIs are best for noticing and understanding something wholly and properly. It can scan

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<sup>2</sup> Artificial intelligence, available at : <https://www.britannica.com/technology/artificial-intelligence>, Publisher: Encyclopaedia Britannica (last visited on November 17,2020)

<sup>3</sup> *Id. at 2.*

<sup>4</sup> *Id. at 2.*

the environment with the help of its mechanical organ which is equipped inside it. Some examples are the AI robots which roam inside the building collecting trash etc. Another example is the AI based vacuum cleaner which is fully automated and has a great sense of perception of the environment and the hurdles , it can even sense the heights if the ground is plain or not.

**4. Problem solving :** It is the most important component of artificial intelligence as it is especially designed for that activity of problem solving. Problem solving can be divided into two methods: a) special purpose method and b) general purpose method.

Special purpose methods are used for solving complex problems such as learning the winning move in a game, solving complex math problems and manipulating virtual objects in the virtual world.

General purpose methods are used for solving general problems and can consist of a wide variety of problems such as commands of moving forward, backward, right, left , do simple calculation etc.

**5. Data feeding and storage :** Artificial Intelligence is totally about data. They work on the basis of the data which is fed into them. Some artificial intelligence work on data which is fed into them while designing them and others can also learn new data from the outside world. These technologies work as a huge data storage.

Some of major examples<sup>5</sup> of artificial intelligence are as follows :

1. Working robots:- Robots/machines which are used in the industries and are helpful for performing activities related to manufacturing of items. The knowledge and the way of performing tasks are fed in their systems while building them. They follow it with no errors.
2. Chatbots:- These AI are used by the working organization or banks etc for answering the queries of customers and it is done by chatting. These AI are trained and various information is fed into them and by this they answer the FAQs of customers, take orders and track orders.
3. Digital AI assistant:- These AIs are enrolled in our computer and other electrical machines like tablets, mobiles, speakers which helps us by performing certain activities on our behalf while we are busy. These assistants do all sorts of tasks which are performed by us like calling,

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<sup>5</sup> Examples of artificial intelligence shaking up business as usual, available at: <https://builtin.com/artificial-intelligence/examples-ai-in-industry> (last visited on 16 November,2020).

playing songs & videos, finding anything, Internet surfing etc. (SIRI , ALEXA, GOOGLE HOME)

4. Text editors/autocorrect:- These artificial intelligence loaded in our computers, tabs, mobiles which are designed to do auto correction or to suggest the autocorrect word while writing, texting.
5. Face detection and recognition assistants:- This type of AI is helping us by improving our security in our electronic devices and are part of daily lives. They work by capturing our facial features and by recognising it. They are highly intelligent AIs as they are able to distinguish between various faces of humans and by keeping record of it. Face recognition is also used in surveillance and security cameras which are of great help at the time of casualties.
6. Google maps and other driving assistants:- AI here are specially designed for working with road maps, GPS , routes. They have the best knowledge and skills in this genre. It helps humans to find routes, specific places , stores and even can show the total distance between places and total projected time to travel there with various modes of transport.
7. Social media monitors:- These AI are used in browsers for the monitoring of social media platforms. Social media suggests us the friend list, it shows us the pages which are of our interest, also recommend videos on their own which are again of our interest and various other activities and social media does it with the help of artificial intelligence. Through our internet and social media searches it determines and learns what we're interested in and suggests the same.
8. E-Payments assistant:- In today's world everyone is becoming cashless. People are preferring digital and online payment. The digital payment facility we use also is done with the help of artificial intelligence. It keeps a record of every detail of your debit and credit card, your internet banking IDs, your name and addresses used during payments which makes the process so much easier than before. And that is not all as it also reads one time password on their own from your mobile's SMS memory which makes it very convenient to us.

### III. How is AI affecting our daily life?

This technology is impacting our daily lives in a larger and positive manner. We can see it all around us including our computers, mobiles, smart electronic devices like fridges ,air conditioners ,vacuum cleaners and some robots are also there in factories and manufacturing sectors. All sorts of simple activities like reminders, meetings, videos and articles of our interest, helping with maps etc are done by them. Other complex activities in industries are also performed by them.

Now-a-days artificial intelligence technology is used in all sectors and some of the sectors are using it prominently. They help us to solve complex global challenges and simple challenges as well like calculation, ideas of resources utilization, improved decision making, fast solutions and data driven strategies.

- AI in manufacturing sector: Industrial robots are used in manufacturing firms today which results in faster manufacturing of products, efficient decision making, working on behalf of humans, they do laborious and dangerous works which are hard for humans.
- AI in the service sector: Robots and other smart digital assistants are placed in hospitals, schools, restaurants which work on behalf of humans but exactly like humans or rather faster and more efficiently than them. AI also has the potential to provide solutions regarding the challenges of the aging population as well as infants.
- AI in the automobile sector: There are digital assistants added to cars and automobiles which are capable of understanding human commands and do as they are told by humans. Various robots with intelligence are also placed in showrooms which help with lifting automobiles or assisting consumers regarding the products. In future it is expected that AI will be capable of driving cars on its own resulting in less road accidents, reduced fuel consumption, helping old age and disabled persons to drive, and will also reduce road safety.
- AI in the legal sector: Legal sector is incomplete without AI softwares in today's world. Legal research is the most important activity in this sector and AI is helping us to do so in the most effective and efficient manner. AI helps in researching, record keeping and finding information. In other countries robots are also placed there which are designed to create and draft documents.

## **IV. Importance of artificial intelligence in our Indian legal system.**

In today's time The Indian legal system has seen very little development in terms of AI technology and lawyers today are still relying on old school methods of researching and solutions. But artificial intelligence is capable of doing so much more than that and they are capable of playing a big role in the Indian legal system. It can change the mode of operations used by lawyers and is capable of making it faster, most effective, accurate and efficient. The future of the legal profession without artificial intelligence is hard to believe.

Legal research is the most important activity in the legal sector. Either it be interns, students, lawyers or judges they have to do legal research in order to do their work correctly. Artificial intelligence helps them to find relative old cases, applicable judgements, and statutes on which they are going to complete their research. With help of these AI softwares complex legal questions can be answered simply. AI also helps in decreasing clerical jobs of lawyers. Our Indian legal system is large and vast and it is constantly changing and with the use of artificial intelligence lawyers literally can avail all the data with just a touch. Currently legal research is taking a large number of man-hours and in the long run it reduces the profit of the legal firms but with the help of artificial intelligence these can be solved and the entire legal system can be balanced. With the help of AI research can be done in seconds, earlier a Firm was employed with several lawyers to do their assigned work and research but now a single AI can do the work of many lawyers and in this way the legal firm can manage its expenditure and efficiency and achieve their goal with less hands and more work. Research will also become less time consuming and the research material will be more equipped with knowledge and will be beyond the simple and keyword-based research.<sup>6</sup>

The future law firm is going to be very much different from what it's today. The Indian legal system is growing everyday and it is becoming very vast in nature. The level of competition among them is very high. Now it has become imperative for law firms to recognise the need for artificial intelligence which is the demand of the current period and those who will overlook it will face the consequences and will be obsolete within the next few years.

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<sup>6</sup> Impact of artificial intelligence on Indian legal system, available at: <http://www.legalserviceindia.com/legal/article-631-impact-of-artificial-intelligence> (last visited on November 17,2020).

Future law firms will be the advanced law firms which will have certain characteristics which are as follows:-

- Future law firms will make this AI technology their foundation of growth: Artificial Intelligence helps in automation in contract drafting, trademark search, case law search etc which helps the lawyers of the firm and improve their working standards. AI based legal solutions will lead the firm to reduce the costs and gain higher profits for the company. These technologies will be the base of future law firms.
- Future law firms will focus on profit making instead of revenues: Nowadays the competition between law firms is increasing everyday which is making the demands of legal services stagnant which further hinders the growth of revenue hence future law firms will focus on profit making instead of revenue.
- Future law firms will make innovation in clients service: clients services will be improved in future. The firm will obtain a Performance based pricing strategy which will be note client friendly and will strengthen the bond of clients and law firms.

Artificial intelligence is helping the Indian legal system in several areas and it is also predicted that this technology will lead the legal sector to greater heights. The areas and field where artificial intelligence is helping our legal system are listed below;

1. Artificial intelligence nowadays is so smart that it can also predict the probable outcome of the case which is being adjudicated in front of the court. They can do so by learning and by their intelligence.
2. Artificial intelligence can provide you with old case law and data which are relevant to the current case in the court. They can also provide us with precedent law and judgements which can be used by lawyers in present cases.
3. AI can incorporate various required documents in some previous legal document within minutes and will make a whole new document ready for the researcher or lawyer.
4. AI helps to provide various IP portfolios like patents, trademarks, and copyrights. They can tell you about the registration and stamp.
5. AI software is making the lawyers' time effective and fast researchers. The research will be with no error.

## V. Challenges of artificial intelligence in the Indian legal system.<sup>7</sup>

This technology is developing day by day in today's world and the most difficult challenge which it brings with it is data protection because every artificial intelligence is working on the basis of data which is being fed into its system. They will do only a limited amount of work according to the data fed in its system. The problem which occurs here is what will happen if that data which is fed inside it will be lost. Will it be working properly? Will it listen to its user? Will it be doing the correct work? The second major problem which will occur is that if there will be no human mind present behind the action taken by the AI and if by chance it will fail to do the right work then who will be liable for that wrong. So fully depending on these AIs will be very risky for human beings as of now we don't know how these are making decisions and their decisions are thinking based or data based.

Some of the prominent challenges which can occur globally and in our Indian legal system while using this AI technology are as follows:-

### 1. What will happen if biased data is fed to them?

Artificial intelligence is wholly based on the data which are fed inside them or the data which it gathers from the outside world and if biased data will be fed inside it then this will lead them to biased describing making. Furthermore the biased decisions which it will make will not provide justice to the people who are related to the case.

### 2. If a chat robot will commit an error then who will be liable for that mistake ?

Today several AIs are working as a chatbot on various websites and platforms where they are designed to address consumer's queries and questions. These chatbots follow scripted documents which are fed inside them and can give answers in that particular way only. Some of the chat robots also work on the principle of Machine Learning (ML) which means it can learn new things which are consistently spoken or written to them. So the question here arises, what will happen if any consumer will reveal their personal or sensitive information to the machine learning AIs ? Will it be safe? What

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<sup>7</sup> *Id.* at 1.

happens to the data? What happens if that AI captures that information, and who shall be responsible for that?

[ According to IT Rules,2011 in Section 5(2) it is stated that any corporate body or any person on its behalf is not allowed to collect sensitive information of any individual until it is collected for a lawful purpose and is connected with the corporate body.]

[According to IT rules,2011 in section 5(3) it is written that if any sensitive data or personal information is collected or breached by a body then the company behalf on that body will be held responsible.]

But this same be easily avoided by the company saying that it was not aware that the chatbots it has designed are capable of collecting personal and sensitive information due to its machine learning ability. Hence there is no one left for accusing of the liability so it becomes a major challenge.

### **3. Can we recognise AI as a legal person ?**

Legal person can be termed as a person or a thing that can do all sorts of legal activity like entering into contracts , can sue someone, can be sued by others, Owns property, liable for wrongdoings etc. Our legal system has recognised the corporate firm as a legal person, it is independent but yet its owner or shareholders are held to be liable on its behalf. But can we recognise AI as a legal person, or is it going to be independent? Who will be liable for them? This is a very complex challenge in today's time and there is no law in force which recognises AI as a legal person.

### **4. Can we provide legal rights and duties to artificial intelligence?**

What if we provide rights and duties to AI robots the same as the normal citizens of the country. Are they capable of enjoying the legal rights, what will happen if they abuse their rights and duties? Who will get punished ? What will be the punishment? This particular challenge will be answered when we will see that an AI has been recognised as a legal person in our country.

### **5. What can happen if we give citizenship to our artificial intelligence robots ?**

In Saudi Arabia an AI robot named SOPHIA is awarded with citizenship under the laws governing

citizens. So what will happen if we award our AI robots with Indian citizenship. Will it be allowed to purchase property? Can they vote ? Are they permitted to drive cars ? And what will be the punishment if they commit any crime ? These are the biggest issues related to AIs.

#### **6. Can AI enter into contact and be bound by the contract ?**

As we Know that, AI has human-like intelligence and can make its decisions on its own. So what if it tries to enter into a contract on its own? In our legal system it is stated that only a legal person can enter into a contract and AI is not considered as a legal person so if it tries to enter into a contract then that particular contract will not be regarded as a valid contract.

#### **7. Do we have to make changes in laws and acts like industrial laws, employment laws, motor vehicle act and more?**

In today's world AI robots are placed in industries, automobile sectors and manufacturing sectors which results in the replacement of the human workforce with artificial intelligence robots. So by working in the industries can they be called as employees? What if the machine learning based AI claims for payment and funds ? Do they have power to sue the company for wrong termination of employment? These questions are applicable for the human workforce and in the current scenario AIs are not seen as legal people and are not in the power to avail these rights until and unless laws and acts get reformed or changed.

#### **8. Can we give copyright to the AI under copyright law ?**

In the current scenario AI is developed so much that it can create its own music, painting, documents and software. So can We provide copyright to AI machines for their own original work? As per Indian legal system, copyright can only be given to those who are termed as a legal person and if any machine or tool is used for creating any original document then it is only considered as a mere tool and is not granted with copyright in its name. It is already in debate that Intellectual property law (copyright law) should be amended and should include the original work done by AI. It was added that if they do not amend IPR laws for artificial intelligence then they will miss out on a large number of valuable and original new works.

### **9. What shall be the attribute of AI and its nature of liability ?**

Question here arises, what will happen if any automated AI commits a crime? Who will be held liable? Can AI be held liable for civil and criminal wrong ? What would be the nature of the liability ? Since AI cannot meet the criteria of a legal person hence it can not be held liable in its own capacity. Biggest problem which arises here is that who any one will penalize an AI for its wrong acts. Who will be held liable for its wrongdoings, Whether the technology developer who has made the AI or the retailer who has sold the AI or the end consumer who has purchased the AI and is now using it. So how can we determine its liability and how will it be punished?

### **10. Will artificial intelligence replace lawyers ?**

This is the biggest challenge and question which our Indian legal system is facing today. Nowadays this is a burning question among the lawyers that would artificial technology be able to replace lawyers? Or it will be helpful for them and will not replace them.

## **VI. Is AI a replacement for lawyers or not ?**

Today when lawyers hear about this concept of artificial intelligence and its possible contribution at the workplace and the legal firm, the first question which arises in their mind is whether AI in legal firms will replace the lawyers in future?

Legal sector today in India has seen many new technologies and solutions which have improved the efficiency of lawyers, their working conditions, legal research software, trademark search software and much more. However no such AI / AI-based software is made which is targeting lawyers' jobs at all. Infant these artificial intelligence is helping the lawyers and the law firm in doing their work more efficiently and faster. AI also increases authenticity and accuracy of research. The research has become more results oriented now. In our Indian legal system everything depends upon the research done by lawyers, judges, plaintiffs and defendants and the legal profession is highly driven by analysis, decision making and presentation and it cannot be automated. Yes artificial intelligence can reduce the total time of lawyer's work and can help them to provide better service to the clients but it can't replace the lawyers in the courtrooms as this is not reliable. Artificial intelligence can copy the intelligence of human beings , it can do the work faster but it can't make decisions like humans and

can not represent like humans which are two necessary things required in the courtroom hence it is unreliable to replace the lawyers with robots.

Our legal industry is still developing and has the scope of using more AI software and machines but whatsoever these AI-based software and robots are not going to replace the lawyers but would actually make their work efficient and competent. Various tasks like researching will be faster, and other clerical tasks will be automated. This assumption of lawyers is very much wrong that AI is a threat to their existence but rather it is helping them at various points in their work. Other industries like manufacturing industry, healthcare industry and e-commerce are examples that AI is a way for law firms to do more with less and by using artificial intelligence the legal firms can become more progressive than before. In fact artificial intelligence will not only be helpful to lawyers but will be helpful to judges and other members sitting in the courtroom. There is not a single reason for which AI is going to take over the lawyers profession but these AI programs will make the professional more better, faster, accurate, productive and focused<sup>8</sup> at work.

## VII. Conclusion

Overall we can say that Artificial intelligence is a machine which imitates intelligent human behavior. AI is helpful for the human race in every aspect of their life so a balanced approach is needed to regulate it. By balanced approach I mean that AI should be put in functioning properly without the challenges and we can take maximum benefit from it. Our country should work on enhancing the technology related to artificial intelligence as well as the government should upgrade the laws and the framework related to AI machines. All the challenges mentioned above should be eradicated and proper laws should be made for artificial intelligence and its related matters. The Information Technology Act, 2000 is the only legislation which governs this subject. It has been amended many times but yet it doesn't touch upon every aspect of technology related subjects hence it should be amended or changed and should be made more effective. Law should be there regarding the breach of data protection and who is to be blamed if artificial intelligence commits error. Nature of liability should also be defined properly before using this technology. Proper contracts should be done between parties for sharing the liability and those contracts should outline the roles of the parties

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<sup>8</sup> *Id.* at 5.

included, responsibility and liability of the same.

Artificial intelligence is our future and no one can deny that and its same for the Indian legal system. But instead of getting worried about losing their job lawyers should focus on the positive aspects of artificial intelligence. AI will make their work faster, accurate , productive and with no error. And it is also impossible that AI will take the lawyer's place inside the courtrooms as they are unable to make rational decision making and are totally unreliable. These solutions of the challenges are not to put hold on the innovation but rather it is for making the technology more reliable, safe and trustful.

