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# **USES OF AI IN LEGAL PROFESSION: AN ETHICAL PERSPECTIVE**

AUTHORED BY - PIYALI CHAKRABORTY

## **Abstract:**

Artificial Intelligence has penetrated in legal profession due to its capability to provide desired output in a time-bound and efficient manner. Various research is being conducted regarding its usage and its demand is only increasing with time. The present article discusses about how Artificial Intelligence is contributing in case management, crime investigation, decision making, etc and what are the ethical dilemmas that revolve around the usage of AI.

**Keywords:** Artificial Intelligence, case management, crime investigation, ethical dilemmas.

## **Introduction:**

The term 'Artificial Intelligence' was first coined by John McCarthy at a conference held at Dartmouth College in the USA in 1956. Artificial Intelligence (hereinafter referred to as 'AI') can be understood as a set of computer programs that allow computers to work intelligently like human beings. AI has gained significant momentum worldwide with its diverse usage across several disciplines. The legal field is considered to be a labor-intensive and paper-oriented field. With the increasing usage of AI, these days AI is widely used in crime investigation. The present article will broadly discuss various uses of AI i.e. by legal professionals, judiciary, and law enforcement agencies, initiatives taken to promote the usage of AI and how it is affecting the justice delivery system, and also ethical dilemmas associated with the usage of AI in the legal realm.

## **Review of Literature**

Debakanta Mohanty's paper titled '**Artificial Intelligence in Criminal Investigation and Criminal Justice in Indian Perspective**' talks about the application of AI tools in crime investigation and forensic science, initiatives taken by law enforcement agencies for using AI in crime investigation and intricacies involved with AI and data protection.

Dr. O. Gambhir Singh's paper titled '**Artificial Intelligence in Forensics & Criminal Investigation in Indian Perspective**' talks about the application of AI in crime investigation and forensic science.

Srishti Agarwal's paper titled '**Use of Artificial Intelligence in Criminal Cases**' discusses how AI can have an adverse impact on the justice system especially when there is an inadequate legal framework in data privacy. Since AI is susceptible to manipulation of personal data, if such an incident happens then the application of AI would lead to biased decisions which may affect certain sections of society, especially the minority community.

Anoushka Bidwalker's article titled '**Use of Artificial Intelligence in Criminal Justice System**' discusses about pros and cons of using AI and its impact on the justice delivery system and crime investigation and initiatives taken to promote the usage of AI in judiciary.

Md. Imran Wahab's article titled '**Use of Artificial Intelligence in Police Investigation**' discusses how AI has brought transformation in carrying out investigations and solving crimes.

## AI AND LAW

The discussion pertaining to the use of AI and Law involves discussion pertaining to the usage of AI in the legal profession, judicial domain, and police investigation which is discussed in the foregoing paragraphs.

### I. AI in the Legal Profession

The legal sector is still perceived to be labor-intensive. The lengthy process involved in the adjudication of cases makes litigation a time-consuming and costly affair. Thus, the fundamental right of access to justice guaranteed under Articles 14 and 21 of the Constitution is vitiated. Artificial Intelligence has recently embarked into the legal realm with its usage limited to automated contract review, legal research, transcription service, etc.<sup>1</sup> Although till today, many lawyers are not ready to adapt themselves to these modern technologies, a few lawyers and law firms such as Cyril Amarchand Mangaldas are using these latest technologies to enhance efficiency in their workplace.

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<sup>1</sup> Aditi Prabhu, Artificial Intelligence in the context of the Indian legal profession and judicial system, Bar and Bench (February 5, 2024 07:00 PM) <https://www.barandbench.com/columns/artificial-intelligence-in-context-of-legal-profession-and-indian-judicial-system>

## II. AI in the Judicial Domain

The Hon'ble Supreme Court has embraced AI by introducing two Artificial Intelligence tools namely SUPACE and SUVAS. The tools enable expedited legal proceedings and help the

- a) **SUPACE**-Launched in the year 2021, the Supreme Court Portal for Assistance in Court's Efficiency (SUPACE) is an AI-based tool that collects relevant information about facts of cases and applicable laws and makes them available for judges thereby assisting judges in legal research.
- b) **SUVAS**- Supreme Court Vidhik Anuvaad Software (SUVAS) is an AI-enabled tool used for translating legal papers from English to vernacular languages and vice versa. The tool was used for translating *Keshavananda Bharati's* case and was made available in 10 Indian languages on its 50<sup>th</sup> Anniversary.

### Jurisprudence of ChatGPT

The use of technology in helping judges in arriving at a particular decision was aptly recognized in the case of *Jaswinder Singh v State of Punjab*<sup>2</sup>. The Punjab and Haryana High Court used ChatGPT to decide on a bail application pertaining to cruelty and brutal assault. In the instant case, Justice Chitkara discussed the jurisprudence of ChatGPT and reiterated that the use of such technology is not for deciding the merits of the case but to get a broader perspective of a particular case.

## III. AI in Crime Investigation

AI has made its footprint in crime investigation and detection and law enforcement agencies of various states are using AI-based tools for that purpose. For example, Gurgaon-based AI startup Staqu Technologies in association with Punjab and Rajasthan Police has developed ABHED (AI-Based Human Efface Detection), an AI-based tool used for criminal identity registration and tracking of missing persons' search.<sup>3</sup> Similarly, the said firm in association with Uttar Pradesh Police has developed TRINETRA, an AI-based app that enables law enforcement agencies in numerous ways like searching for criminals using biometric features like images and videos, identifying associates of criminals active in different parts of the district and state, facial

<sup>2</sup> [https://www.livelaw.in/pdf\\_upload/jaswinder-singh-jassi-vs-state-of-punjab-and-another-punjab-and-haryana-high-court-465630.pdf](https://www.livelaw.in/pdf_upload/jaswinder-singh-jassi-vs-state-of-punjab-and-another-punjab-and-haryana-high-court-465630.pdf)

<sup>3</sup> Kul Bhushan, Meet Staqu, a start-up helping Indian law enforcement agencies with advanced AI, Mint (February 1, 2024 04:45 PM) <https://www.livemint.com/AI/DIh6fmR6croUJps6x7JW5K/Meet-Staqu-a-startup-helping-Indian-law-enforcement-agencie.html> See also Gagandeep Singh Narula, AI and Indian Criminal Justice System, iPleaders ,(February 5,2024 08:00 PM) <https://blog.iplayers.in/ai-and-indian-criminal-justice-system/>

recognition, etc.<sup>4</sup>

## ETHICAL USAGE OF AI

Since the inception of AI, several discussions pertaining to its ethical usage have been at the forefront. Although its usage is still being explored and efforts are put into the application of the technology to enhance efficiency, reduce cost, and speed up the process of litigation, several questions regarding its ethical usage in legal proceedings need to be addressed which are discussed in the forgoing paragraphs-

### 1. Can AI be an efficient tool in case management?

Case management involves tasks scheduling court appearances, steps to be taken in each case, maintaining various registers, preparing synopsis of regular legal proceedings, transcription, etc. These jobs are clerical in nature and require minimal intelligence. Since the job is a mechanical one, AI can prove to be an efficient and effective tool, thereby reducing the burden of court employees. These days case management softwares are put in use to complete such tasks. Transcription is considered to be part of case management and AI has made landmark achievement in this regard. The Supreme Court for the first time used an AI-enabled transcribing tool in *Subhash Desai v Principal Secretary, Governor of Maharashtra & Ors.*<sup>5</sup> Later in 2023, the Apex Court made an initiative to create infrastructure for an AI-enabled transcribing facility on the court premises.

### 2. Can AI replace judges and how would it impact the administration of justice?

While deciding whether AI can replace judges, one needs to bear in mind that each case that comes before the court is different from one another and poses several challenging issues and questions that need to be addressed by judges by applying their judicial mind. If these questions are answered mechanically, it may negatively impact society and vitiate the administration of justice. Therefore, it can be concluded that AI cannot replace judges although it has a feature to work intelligently like human beings. The position regarding AI replacing judges was made clear by then Chief of India Sharad Arvind Bobde during the launch of AI-enabled SUPACE in 2021.

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<sup>4</sup> Staqu launches TRINETRA, an AI app for UP Police Department, <https://www.deccanchronicle.com/technology/in-other-news/291218/staqu-launches-trineta-an-ai-app-for-up-police-department.html> See also Gagandeep Singh Narula, AI and Indian Criminal Justice System, iPleaders, (February 5, 2024 08:00 PM) <https://blog.iplayers.in/ai-and-indian-criminal-justice-system/>

<sup>5</sup> Writ Petition Civil No. 493 of 2022

### 3. Can AI maintain ethical standards if it were to replace lawyers and/or judges?

The legal profession requires lawyers to work diligently according to the needs of the client. AI uses machine learning tools and if AI were to replace lawyers, it would have worked mechanically thereby creating an adverse impact on society at large.

The legal profession is considered to be a noble profession and lawyers are expected to maintain certain standards as it would have a positive or negative impact on their reputation. To practice as an Advocate, lawyers need to enroll themselves as per the provisions of the Advocate's Act, 1961. If AI were to replace lawyers, they need not have to comply with the provisions of the Advocate's Act, of 1961 which would be considered undesirable.

Similarly, for the proper adjudication of cases, judges need to apply their judicial mind and for that necessary training is given from time to time. AI cannot perform such work as would function mechanically thereby rendering biased decisions that would be prejudicial for society.

Thus, it can be concluded that AI can neither replace lawyers nor judges but can assist them in various work such as legal research.

#### a) Can AI pose a threat to an individual's privacy guaranteed under Article 21 of the Constitution?

One of the major concerns associated with AI when it comes to safeguarding individual privacy is the collection and sharing of personal data. Data of an individual can be collected from various sources such as smartphones, social media, details inserted while online shopping, etc. The problem regarding data collection is that the individual whose data is being collected is unaware of how their information is being used. Personal data, if collected by a machine, can be manipulated and misused which may threaten an individual's privacy and life. AI requires a vast amount of data to generate the desired output. While using AI in legal proceedings, AI would require a vast amount of data from litigants to process information and generate desired results. If adequate measures are not taken towards the collection and sharing of personal data, there is every possibility that data to get manipulated resulting in AI generating undesirable results that may lead to

biased decision-making by judges. This would impede the purpose of fair trial and people may lose faith in the justice delivery system. Since in India, we have only one law governing e-governance, cybercrime, and e-commerce transactions i.e. Information Technology Act, 2000, we are left behind to realize that AI has already become an integral part of life and there is a need to frame special law regarding usage and handling of AI. Under these circumstances, it can be concluded that AI poses a certain degree of risk in protecting an individual's privacy.

## **INITIATIVES TAKEN FOR THE DEVELOPMENT OF AN AI-BASED ECOSYSTEM**

Since AI plays a pivotal role in handling cases and expediting legal proceedings, its usage has been recognized and various measures have been taken by the Government in promoting R&D facilities and creating infrastructure for the growth and development of AI, and making a legal framework regulating AI. Some of the initiatives so taken are discussed below-

The Hon'ble Supreme Court has constituted the Artificial Intelligence Committee to explore the applicability of AI in the judicial and legal domain and to further the objective of access to justice for everyone and universal computerization.<sup>6</sup>

Similarly, NITI Aayog based on the recommendation of senior advisor, Anna Roy established the AI Research, Analytics, and Knowledge Assimilation (AIRAWAT) platform, an AI-based cloud computing infrastructure.<sup>7</sup> The establishment of AIRAWAT is based on the recommendations of the National Strategy for Artificial Intelligence (NSAI) which has identified reasons that are hampering the growth of AI.<sup>8</sup>

In the field of crime investigation, the Indraprastha Institute of Information Technology has opened the Centre for Technology and Policing to assist various departments of the Delhi Police. The centre will assist the concerned department in identification of criminals, law and order management, cyber policing, traffic management and combating terrorist activities using

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<sup>6</sup> Use of Advance Technology At Courts, <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1814536> (last visited February 1,2024)

<sup>7</sup> Debakanta Mohanty, Artificial Intelligence in Criminal Investigation and Criminal Justice in Indian Perspective <https://thelawbrigade.com/wp-content/uploads/2023/01/Debakanta-Mohanty-JLSR.pdf>

<sup>8</sup> AIRAWAT-Establishing an AI Specific Cloud Computing Infrastructure in India <https://indiaai.gov.in/research-reports/airawat-establishing-an-ai-specific-cloud-computing-infrastructure-in-india/> (last visited February 6,2024)

Artificial Intelligence (AI), social media analysis, biometrics, image processing, big data and network forensics.<sup>9</sup>

Similarly, Odisha Police has recently taken an initiative to develop an AI-based search engine to extract information about crime, criminals, and modus operandi. The AI-based search engine would enable investigating authorities to find out about the past history of criminals, total no. of crimes reported in a particular area, whether similar incidents are happening in any part of the state etc. A Crime and Criminal Tracking Network and Systems (CCTNS) database has been created that helps in improving law and order, traffic management, digitization of FIR etc.<sup>10</sup>

### **Conclusion:**

It is said that justice delayed is justice denied. The delay in the delivery of justice is due to the lengthy process involved in administering and overseeing the compliance of all relevant laws involved in a particular case. The exploration of the usage of machine learning and AI will not only help in reducing costs but also speed up the accessibility of justice. AI-enabled tools can also help in bringing transparency and judicial accountability. Although AI uses data that are collected to get desired output, preserving such data becomes equally crucial to protect an individual's privacy. Lack of adequate legal framework relating to data protection poses a threat to breach of an individual's privacy since data so collected from individuals are prone to manipulation that may not only harm an individual's dignity but may lead to crimes like identity theft and financial fraud. It can also lead to biased decision-making that may affect certain group of society and hamper the objective of a fair trial. Thus, it can be concluded that AI has proved to be a boon taking into consideration its limited usage, however, care needs to be taken regarding protecting data privacy.

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<sup>9</sup> Delhi Police gets artificial intelligence centre to fight crime, terrorist [https://www.business-standard.com/article/current-affairs/delhi-police-gets-artificial-intelligence-centre-to-fight-crime-terrorists-118120400449\\_1.html](https://www.business-standard.com/article/current-affairs/delhi-police-gets-artificial-intelligence-centre-to-fight-crime-terrorists-118120400449_1.html) (last visited on February 6,2024)

<sup>10</sup> Debabrata Mohapatra, AI-based search engine to help copsgather data in Odisha, Times of India, (February 5, 2024, 9:40 PM) <https://timesofindia.indiatimes.com/city/bhubaneswar/ai-based-search-engine-to-help-cops-gather-data/articleshow/97899740.cms>