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ARTIFICIAL INTELLIGENCE (AI): TRANSFORMATIVE POTENTIAL AND LEGAL IMPLICATIONS IN INDIA

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Abstract

This article focuses on the expanding role of Artificial Intelligence (AI) and its application across various sectors especially legal sector. AI has brought about a revolution at the global level in fields such as healthcare, education, agriculture, the justice delivery system, and smart cities. India is also actively participating in this technological revolution and is taking several steps to adopt AI. Through initiatives such as "AI for All," the INDIAai Mission, and programs promoting responsible AI for youth, India has undertaken significant measures to encourage the inclusive and accountable use of AI.

In the judicial sector, the use of AI tools such as SUVAS and SUPACE is making legal processes more efficient and accessible. In healthcare and agriculture, AI is assisting in disease detection, personalized treatment, and enhancement of crop productivity. Additionally, AI-driven smart cities and smart mobility solutions have made a substantial contribution toward addressing the challenges of urbanization.

However, the absence of a clear legal framework and comprehensive data protection laws for the use of AI in India remains a major challenge. This article highlights the growing use of AI in India, its potential benefits, and the associated challenges, and further suggests that the formulation of a comprehensive and equitable legal regime for AI is essential.

Keywords – Artificial Intelligence (AI), Information Technology Act, 2000, Digital Personal Data Protection Act, 2023 (DPDPA), SUVAS, SUPACE, COMPAS, Technological Revolution.

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Introduction

"Just as a river carves its path through snow with persistence and purpose, we too must shape our future through transformative laws and innovative technology"

- Chief Justice of India, Justice Surya Kant

Artificial Intelligence (AI) has, at the global level, generated a new wave of technological and social transformation. This technology is promoting efficiency, accuracy, and inclusivity in sectors such as healthcare services, education, agriculture, the justice delivery system, and industry. Measures such as the European Union's AI Act, the UK AI Safety Summit, and California's AI legislation are prominent examples of global efforts aimed at ensuring the ethical and responsible use of AI. Technology companies such as Microsoft, Google, and Amazon are also continuously striving to make AI products safer, more transparent, and accountable.

India, as an active participant in this global transformation, is effectively implementing AI across various sectors. The country has undertaken several initiatives to make AI beneficial in fields such as education, healthcare, and agriculture. In alignment with global efforts to ensure responsible AI usage, India is leveraging national strategies, innovation programs, and collaborative initiatives to promote inclusive development and social progress through AI. The use of AI in India is rapidly expanding across multiple domains. During the COVID-19 pandemic, AI-enabled chatbots deployed by MyGov were utilized to ensure effective communication with the public. In the judicial system, the 'SUPACE' portal has been introduced to assist judges in legal research and case analysis. In agriculture, the International Crops Research Institute for the Semi-Arid Tropics (ICRISAT) developed an AI-based sowing application that advises farmers on the optimal time for sowing seeds based on weather data and crop yield patterns. In the field of disaster management, an AI-based flood forecasting model implemented in Bihar is now being expanded nationwide to provide flood risk warnings to nearly 200 million people at least 48 hours in advance. Similarly, in the banking and financial services sector, several banks have adopted AI for functions such as fraud detection, thereby enhancing customer experience and operational efficiency.

Additionally, India has launched several significant AI-related portals and applications. Programs such as YUVAi and Responsible AI for Youth reflect India's commitment to equipping the younger generation with AI-related knowledge and skills, thereby fostering a

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culture of responsible and informed technological adoption.

India has also launched the "National Artificial Intelligence Portal," a joint initiative of the Ministry of Electronics and Information Technology (MeitY), the National e-Governance Division (NeGD), and the National Association of Software and Service Companies (NASSCOM). The National e-Governance Division was established in 2009 as an independent business division under the Digital India Corporation, while NASSCOM is a leading non-profit industry association representing India's IT sector. This portal serves as a central hub for providing news, articles, learning resources, events, and activities related to Artificial Intelligence (AI) in India and abroad.

However, the need for a robust legal framework and comprehensive data protection measures for AI remains a critical concern, in order to ensure its fair, ethical, and accountable use. India's efforts in this direction represent not merely a step toward technological advancement, but also an attempt to integrate technological progress with social reform and inclusivity, thereby contributing to a responsible technological revolution.

Artificial Intelligence

Artificial Intelligence (AI) is a technology focused on the development of machines and systems capable of exhibiting human-like intelligence. It is used to enable machines to learn, solve problems, make decisions, and understand language or images. AI systems are made intelligent and adaptive through the use of data and algorithms. Broadly, AI is classified into two main categories: Narrow AI, which is designed to perform specific tasks such as virtual assistants or recommendation systems, and General AI, which remains a conceptual framework aimed at achieving comprehensive human-like cognitive abilities. AI is being applied across various sectors, including healthcare, business, education, and entertainment, to address complex problems and enhance operational efficiency. Its applications include expert systems, natural language processing, speech recognition, and machine vision, which are transforming fields such as healthcare, education, commerce, and research.

The term "Artificial Intelligence" was first used in 1956; however, its development has accelerated significantly in recent years due to the exponential growth in data volumes, the advancement of intelligent algorithms, and increased computational power. Early AI research in the 1950s primarily focused on problem-solving and symbolic reasoning approaches.

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During the 1970s, the Defence Advanced Research Projects Agency (DARPA) sponsored projects such as street mapping, and in 2003, it developed intelligent personal assistant technologies, which laid the foundation for modern AI tools such as Siri, Alexa, and Cortana.

Uses and Benefits of Artificial Intelligence (AI)

The advancement of technologies such as machine learning and deep learning has further enhanced the capabilities of AI. This rapid evolution of AI promises increasingly sophisticated and customized solutions in the future, leading to transformative changes across society and industry. Artificial Intelligence has the potential to generate significant value addition and competitive advantage across multiple sectors.

In the legal and judicial domain, Artificial Intelligence plays a significant role in enhancing access to justice and improving the efficiency of legal processes. AI-assisted tools facilitate legal research, case law analysis, translation of judgments, docket management, and prediction of case timelines, thereby reducing judicial backlog and enabling informed decision-making. AI also supports alternative dispute resolution mechanisms and improves legal service delivery, particularly for economically and geographically disadvantaged sections.

Beyond the legal sector, AI contributes to healthcare by improving rural access, diagnosis, and epidemic detection; to agriculture by enhancing crop productivity and pest management; and to smart mobility and urban governance through traffic management and infrastructure planning. In education, AI enables personalized learning and administrative efficiency, while in industry and energy, it optimizes production processes and resource utilization. Overall, AI serves as a transformative tool for governance, legal reform, and socio-economic development when deployed within an ethical and regulatory framework.

The National Institution for Transforming India (NITI Aayog) has identified five priority sectors where AI can deliver maximum social impact:

- Healthcare: Enhancing access to quality healthcare services and improving affordability.
- Agriculture: Increasing farmers' income, improving agricultural productivity, and reducing wastage.
- Education: Expanding access to education and improving educational quality.

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- Smart Cities and Infrastructure: Ensuring efficient connectivity and infrastructure for a rapidly growing urban population.
- Smart Transportation and Traffic Management: Developing safer and smarter modes of transport and addressing traffic congestion and mobility challenges.

Impact of Artificial Intelligence (AI) in the Legal Sector

The integration of Artificial Intelligence (AI) into the legal sector is effectively transforming traditional legal processes, resulting in enhanced efficiency and accuracy across various functions. In the areas of document review and due diligence, AI enables legal professionals to process and analyze large volumes of documents during litigation and contract review, efficiently identifying relevant data and thereby saving time and costs. Through legal research and predictive analytics, AI examines legal precedents and case outcomes, providing historical insights that assist in judicial decision-making and the development of litigation strategies. Furthermore, in contract management, AI automates tasks such as the extraction of key terms, clauses, and provisions, identification of potential risks, ensuring regulatory compliance, and facilitating the drafting of customized contracts.

Use of Artificial Intelligence (AI) in the Judiciary

- United States: AI tools such as COMPAS assist judges in risk assessment, while chatbots respond to routine public inquiries.
- China: The Smart Court system provides case analysis, legal recommendations, and sentencing suggestions.
- United Kingdom: Digital case management systems enable remote participation, real-time case updates, and electronic submission of evidence.
- India: The Indian judiciary has adopted Artificial Intelligence through two major initiatives:
- SUVAS: An AI-based translation tool designed to translate judicial decisions into multiple languages.
- SUPACE: An AI-assisted system that supports judges in legal research and data analysis.

In 2023, the Supreme Court of India signed a Memorandum of Understanding (MoU) with the Indian Institute of Technology (IIT) Madras to promote the use of emerging technologies such as AI, transcription tools, translation systems, and dedicated streaming platforms for

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court proceedings. This initiative followed the visit of the then Chief Justice of India, Dr. D.Y. Chandrachud, to IIT Madras and aims to automate and enhance the efficiency of judicial processes.

Additionally, the e-Committee of the Patna High Court has developed six new applications for the technological upgradation of the legal system. In this context, Chief Justice K. Vinod Chandran observed that while moving towards increased computerization, it must be recognized that certain aspects—such as the writing of judgments—inevitably require human intervention. He further noted that it remains uncertain whether AI-driven judgment writing would be beneficial at the present stage, emphasizing that the time for AI-authored judicial decisions has not yet arrived.

These technological tools are intended to improve judicial efficiency and reduce case pendency. However, in the absence of a clear and comprehensive AI policy, concerns relating to fairness, accountability, and equality within the justice delivery system continue to persist.

Challenges Arising from the Use of Artificial Intelligence (AI)

"While the advent of Artificial Intelligence and smart transportation technologies offers tremendous opportunities, they also present significant ethical dilemmas that must be addressed"

-Chief Justice of India, Justice Surya Kant

- Deepfakes and Misinformation:
  AI-generated deepfakes have emerged as a serious threat by facilitating the dissemination of false and misleading information. For instance, a deepfake video of an actress was created with the intention of increasing online followers, thereby deceiving the public and harming individual reputation.
- Algorithmic Bias:
  AI systems trained on biased or unrepresentative data may reinforce and amplify existing social prejudices. For example, the "Stable Diffusion" model reportedly depicted Black individuals when generating images representing poverty, reflecting embedded societal bias within training data.

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- Representation of Primary Sources:

  AI systems often rely on secondary data sources, which may result in inaccurate or distorted representation of certain societies, cultures, or communities, particularly those that are underrepresented in digital datasets.

- Data Privacy and Surveillance:

  The use of personal data for AI development raises significant concerns regarding privacy violations and misuse, including risks of identity theft and fraud. Moreover, increasing reliance on AI for surveillance purposes may lead to mass monitoring and erosion of civil liberties.

- The 'Black Box' Problem:

  AI models often operate in a non-transparent manner, making it difficult to understand or explain their decision-making processes. This raises ethical and legal concerns, particularly in contexts such as autonomous vehicles, where AI systems may be required to determine priorities in accident scenarios.

- Issues of Accountability and Liability:

  Determining responsibility for harm caused by AI systems remains legally complex. Assigning liability for AI-related errors in judicial or decision-making processes poses significant challenges. Courts generally refrain from holding developers liable where an AI system was defect-free at the time of manufacture, as observed in Jones v. W.M. Automation, Inc. However, where harm results from subsequent modifications, liability may shift to end- users or operators.

- Automation and Unemployment:

  The automation of jobs through AI has the potential to cause employment displacement and exacerbate economic inequality. The World Economic Forum has estimated that by 2025, approximately 85 million jobs may be displaced due to automation.

- Data Ownership:

  The reliance of AI systems on user-generated data raises critical questions regarding data ownership and permissible use, leading to concerns related to copyright and intellectual property rights. For example, AI-generated art has given rise to issues of plagiarism and copyright infringement.

- Autonomous Weapons:

  The development of autonomous weapons systems raises serious concerns regarding the diminishing role of human judgment, unintended consequences, and ethical and security risks.

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- Digital Divide:

  Unequal access to AI technologies may intensify existing social inequalities. In India, for instance, only approximately 52% of the population has access to the internet, which may further aggravate digital exclusion.
- Environmental Ethics:

  The environmental impact of AI development and deployment is increasing. For example, Google reported a 17% increase in electricity consumption by its data centers in 2023, highlighting the growing environmental cost of large-scale AI operations.

Several International Measures Have Been Undertaken To Address The Major Challenges Arising From Artificial Intelligence (AI)

- Global Alliance for Social Entrepreneurship (GASE): At the Annual Meeting 2024 of the World Economic Forum held in Davos, the Schwab Foundation's Global Alliance for Social Entrepreneurship, in collaboration with Microsoft, launched a new initiative on AI for Social Innovation. The AI for Social Innovation initiative is a collaborative project between technology leaders and social innovators. It aims to foster dialogue between technology leaders and social innovators to better shape technology roadmaps, mobilize resources for impactful AI applications, and build capacity across the ecosystem.
- European Union AI Act: The European Union has introduced the first comprehensive AI legislation to regulate risks associated with AI systems and safeguard citizens' rights. In 2024, the EU Council approved the EU AI Act, marking a historic first-of- its-kind law for artificial intelligence. The Act has been designed to mitigate the risks and challenges associated with AI systems across the 27 EU member states. Risk Framework: The EU AI Act adopts a risk-based approach, classifying AI systems into four levels of risk:
  1. Prohibited Risk: Certain AI applications, such as emotional scoring, are prohibited in workplaces and educational institutions, except for medical or safety purposes.
  2. Limited Risk: AI systems such as chatbots must disclose their AI nature to ensure transparency.
  3. Minimal / No Risk: AI systems like spam filters and video game applications are exempt from regulation. Compliance obligations apply to developers, providers, distributors, importers, and deployers.

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- United Nations Initiative: On 21 March 2024, the UN adopted proposal A/78/L.49, titled "Harnessing the Opportunities of Safe, Secure, and Trustworthy AI". Co- sponsored by 125 countries, the United States emphasized the importance of human rights and minimizing bias in AI. The initiative seeks to prevent these technologies from exacerbating social inequalities.
- AI Policy Framework in the United States: AI regulation in the United States involves federal and state governments, industry, and courts, balancing innovation with safety and societal impact. President Biden has issued two Executive Orders, alongside the blueprint for the AI Bill of Rights and the draft AI Risk Management Framework, providing guidance for AI governance. The AI Bill of Rights blueprint is a non- binding framework outlining five principles for designing, deploying, and using automated systems to ensure public safety, including consulting stakeholders and experts, eliminating algorithmic bias, ensuring data privacy, understanding system impacts, and providing human oversight where necessary. The framework seeks to ensure AI systems operate fairly, transparently, and in the public interest.
- Global INDIAai Summit: The Government of India hosted the Global INDIAai Summit in New Delhi on 3–4 July 2024. The Summit aimed to promote AI development in areas such as computing capacity, foundational models, datasets, application development, future skills, startup financing, and safe AI—the seven pillars of the INDIAai Mission. The Mission was approved by the Union Cabinet in March 2024 with a budget of USD 1.25 billion.
- Global Participation in AI (GPAI): GPAI is a multi-stakeholder initiative comprising 29 member countries, aiming to bridge the gap between AI principles and practice through cutting-edge research and applied activities. India serves as the Chair of GPAI in 2024, convening global AI experts to discuss critical issues and promote trustworthy AI.
- Artificial Intelligence Safety Summit 2023: The AI Safety Summit, an international conference, discussed AI safety and regulation. Held on 1–2 November 2023 at Bletchley Park, Milton Keynes, UK, it was the first global summit on AI. Twenty- eight countries, including the US, China, India, and the EU, signed the Bletchley Park Declaration, establishing a collective understanding and coordinated approach to address the potential risks and

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benefits of frontier AI systems.

- US–India Artificial Intelligence Initiative: This initiative aims to strengthen AI collaboration between India and the US in key sectors such as healthcare, smart cities, agriculture, and energy. Managed by the Indo-US Science and Technology Forum (IUSSTF), it brings stakeholders together to address challenging AI-related issues and opportunities. The initiative complements India's National AI Strategy and membership in GPAI, supporting responsible AI development and workforce-related concerns.
- Role of Leading Tech Companies: Companies such as Microsoft, Google, Meta, Amazon, and Twitter have established responsible AI teams to ensure that AI products adhere to ethical standards, safety protocols, and accountability measures.

Indian Efforts and Key Indian Laws Addressing Challenges Arising from Artificial Intelligence (AI)

- Indian Constitution (Articles 21 and 14): In the Puttaswamy case, the Supreme Court recognized the right to privacy as a fundamental right under Article 21 of the Constitution. AI systems, which collect vast amounts of personal data, raise concerns regarding the management and security of such data. The absence of specific AI regulations exacerbates these concerns, increasing the risk of privacy violations. The Ministry of Electronics and Information Technology (MeitY) has advised that AI models should avoid discriminatory or biased elements; however, AI systems may still manifest historical biases, potentially resulting in unfair outcomes in areas such as employment recruitment, law enforcement, and healthcare. Such outcomes may adversely affect marginalized communities and violate the right to equality under Article 14.

  Additionally, since AI systems operate autonomously, questions of liability and accountability arise, particularly when governmental bodies rely on AI systems. India's regulatory approach to AI is still evolving, seeking to balance technological innovation with ethical and social concerns. As AI continues to develop, constitutional interpretation may need to evolve, especially in addressing emerging issues relating to equality, freedom of expression, and the right to life. This exemplifies the concept of "living constitutionalism", wherein the Constitution evolves over time, as highlighted

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in the Puttaswamy case.

- Information Technology Act, 2000: This Act provides legal recognition to electronic transactions and establishes rules for safeguarding electronic data, information, and records against unauthorized or unlawful use. The Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 supplement the Act. Both are set to be replaced by the Digital India Act, 2023, which is likely to include significant provisions concerning AI. Additionally, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 provide a regulatory framework for monitoring social media, OTT platforms, and digital news media.
- Digital Personal Data Protection Act (DPDPA), 2023: Implemented on 11 August 2023, the DPDPA recognizes the constitutional right to privacy and governs the use and processing of personal data. This law will have a significant impact on AI development and deployment, requiring AI model developers to comply with regulations relating to data processing, consent, and individual rights. The consent-based framework under DPDPA may pose challenges for AI development, particularly when training AI models on publicly available data; however, it provides certain exemptions for research purposes and jurisdictional flexibility. Publicly available data is excluded from regulation under Section 3(C)(ii) of DPDPA, allowing AI models to be trained on scraped data, though caution is necessary. Section 17(2)(b) provides exemptions for data processing for research purposes, contingent upon compliance with standards determined by the Government. While these provisions can promote AI research, the Act currently lacks specific regulations addressing algorithmic bias, AI-generated data misuse, AI audits, or mechanisms for accountability.
- National Artificial Intelligence Strategy (2018): Launched by NITI Aayog under the tagline #AIFORALL, the strategy aims to foster the holistic development of AI in India. Key focus areas include healthcare, education, agriculture, smart cities, and transportation. Implemented recommendations include the creation of high-quality datasets and the development of a legislative framework for data protection and cybersecurity. This strategy serves as a foundational document for future AI regulation in India, supporting the responsible and safe use of AI.
- AI Model Advisory (MeitY, 2024): On 1 March 2024, the Ministry of Electronics and Information Technology (MeitY) issued an advisory for AI-related intermediaries,

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prescribing compliance requirements within 15 days. The initial advisory caused confusion; subsequently, a revised advisory was issued on 15 March 2024, retracting certain provisions, which increased uncertainty within the technology industry.

- This advisory, forming part of the broader framework under the IT Act and IT Rules, imposes several obligations on AI platforms, including preventing illegal content, ensuring AI models do not compromise electoral integrity, and appropriately labeling AI models for testing and reliability. It also directs intermediaries to inform users about risks associated with illegal content and to label deepfakes with metadata or identifiers.
- INDIAai Mission: The INDIAai Mission aims to promote AI innovation through public-private partnerships, strengthen indigenous AI capabilities, and foster responsible and inclusive AI. The Union Cabinet has approved funding exceeding INR 10,300 crore for the mission, which seeks to establish an AI innovation ecosystem through public-private collaboration. Over 10,000 GPUs will be deployed under the mission, with a focus on democratizing AI, improving data quality, and developing indigenous capabilities. The program is administered by MeitY and will be financed over five years under the public-private partnership model.

Conclusion

Artificial Intelligence (AI) has established a significant role not only at the global level but also within the Indian legal and social framework. This technology is transforming sectors such as healthcare, education, agriculture, smart cities, and the justice system. However, it also presents several challenges.

In India, there is an absence of clear and consistent laws governing the use of AI. A robust legal framework is required to address sensitive issues such as data protection and privacy, in order to safeguard citizens' fundamental rights, including the right to privacy under Article 21 of the Constitution. Furthermore, existing laws such as the Information Technology Act are not fully aligned with rapid technological developments. Strict rules and guidelines are necessary to prevent AI misuse, uphold ethical standards, and mitigate risks such as potential discrimination.

India has taken positive steps through initiatives such as AI for All and the National AI Mission. Nevertheless, the legal framework must be further strengthened to ensure the safe,

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responsible, and inclusive use of AI. It is essential that AI development and deployment not only advance technologically but also maintain social and judicial balance.

For the effective and secure use of AI, all stakeholders—including the government, industry, and civil society—must collaborate. Additionally, India must actively participate in global cooperation to harmonize with international laws and ethical standards emerging worldwide. Implementing policies promptly and enacting a comprehensive law that covers all aspects of AI are imperative to establishing an inclusive, equitable, and secure AI ecosystem.

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