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## ARTIFICIAL INTELLIGENCE AND LAW

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### 1. Introduction

**“Technology is a useful servant but a dangerous master”- Christian Lous Lange**

Artificial intelligence is often described as the defining technology of the twenty-first century<sup>1</sup>. From healthcare and education to finance and governance, AI is transforming almost every aspect of human life. The legal profession once considered completely dependent on human intellect and reasoning, is also witnessing a technological revolution.

A report by Goldman Sachs, ‘Artificial Intelligence at Work: Market Estimates’, projects that 44% of tasks performed by lawyers can be automated by AI<sup>2</sup>. The report further highlights how spending on AI technologies globally is rising dramatically, and how governments, corporations, and institutions are betting big on AI to create future growth.

Artificial Intelligence though ushering in tremendous opportunities of greater efficiency, innovation and good governance poses serious challenges, several legal problems and grave ethical concerns relating to privacy, accountability, discrimination and denial of rights and opportunity etc. creating monstrous situations of deepfakes, massive surveillance and cyber-attacks on personal data and computer systems threatening the very constitutional rights of citizens.

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<sup>1</sup> Tshilidzi Marwala, AI and Law – *Navigating the Future Together*, United Nations University, <https://unu.edu/article/ai-and-law-navigating-future-together>

<sup>2</sup> Goldman Sachs, *The Potentially Large Effects of Artificial Intelligence on Economic Growth* (Mar. 26, 2023), <https://www.goldmansachs.com/insights/articles/generative-ai-could-raise-global-gdp-by-7-percent.html>

As AI technology grows at an incredible pace, it raises serious concerns of privacy, data protection and numerous other ethical issues like the risk of algorithmic bias, the threat of ‘deepfakes’ and AI generated information, the challenge of cyber security, the need for accountability and the threat to human rights and their protection in the future. In today’s world, it is a pressing concern to determine who shall be held responsible in case of a mistake caused by AI, whether AI can replace lawyers and judges in legal processes and most importantly, how governments can regulate the use of AI.

With increasing technological innovation across the world today, governments are struggling to balance technology with constitutional rights and ethics to deliver justice. In India too, the country is gearing up to usher in a digital era of governance with AI enabled justice delivery through the SUPACE portal, AI enabled translation of judgments and a host of other initiatives to check the deepfakes and AI generated content.

This article examines the advent and functioning of AI in law from an Indian and international perspective. It highlights the advantages and challenges that technology presents for the law. It then critiques the ethical concerns that the use of technology in law has led to and finally shall explore the many possibilities that AI shall bring to the legal system in the future.

While AI has the potential to revolutionize legal systems through efficiency, accessibility and innovation, its unregulated use may threaten constitutional rights, judicial fairness, privacy and democratic accountability. Therefore, the future of AI in law depends upon a balanced framework that promotes technological advancement while safeguarding human dignity, rule of law and constitutional morality.

## **2. Understanding Artificial Intelligence**

Artificial Intelligence (AI) is a simulation of human intelligence. By this, we mean that AI programs are able to perform a number of functions that humans are able to. Most modern AI is based around machine learning. This is where the AI is ‘trained’ using a very large amount of data. It then uses this to look within the data

for patterns and relationships, in order to make predictions, provide recommendations, and even make decisions.

Some common examples of AI are-

- Virtual assistants like Siri and Alexa
- Recommendation systems used by Amazon, Netflix, and YouTube
- Facial recognition technology
- Self-driving vehicles
- AI chatbots
- Predictive policing systems
- Legal research and contract analysis software

### **3. AI in the Legal Profession**

Artificial Intelligence or 'AI' is fast changing the legal world. It is enabling lawyers to carry out legal work faster, more efficiently and at less cost. For some time now, many law firms across the world have been utilizing technology to carry out routine legal work.

#### **a) Legal Research**

Traditionally, legal research required lawyers to spend long hours reading statutes, judgments, precedents, and legal commentaries. AI tools can now scan thousands of legal documents within seconds and identify relevant judgments, principles, and legal trends.<sup>3</sup>

The time spent on research is significantly cut down, as lawyers can now apply their time and efforts in devising a legal strategy and counseling clients.

#### **b) Contract Review and Drafting**

AI systems can read contracts and analyze them for any risky clauses and errors. They can also perform a due diligence check on companies and other such agreements that international law firms have to analyze.

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<sup>3</sup> Harry Surden, *Artificial Intelligence and Law: An Overview*, 35 Ga. St. U. L. Rev. 1305 (2019).

In India, leading law firms such as **Cyril Amarchand Mangaldas** have started using AI-based systems for legal document analysis and contract management.<sup>4</sup>

**c) Predictive Analytics**

Using legal information to predict case outcomes with the help of AI-powered predictive analytics is another aspect. This system is able to assess all relevant facts in relation to past judgments and other relevant information with regard to the applicable law and, based on that, predict possible outcomes of a case and even give a probability of a successful outcome. Although such systems are very helpful in assessing litigation risks and in forming strategy, they should be used as assistive tools only. The outcome of a case depends on facts of a case and on the discretion of a judge.

However, predictive systems should only act as assistive tools because legal outcomes depend upon facts, judicial discretion, and human reasoning. Excessive reliance on predictive technologies may undermine judicial independence by encouraging standardized outcomes instead of individualized justice. Therefore, AI predictions should never substitute judicial reasoning and discretion.

**d) Online Dispute Resolution (ODR)**

AI-supported online dispute resolution platforms are gaining traction globally. Online dispute resolution systems can help parties resolve disputes speedily and economically without having to approach the courts.<sup>5</sup>

These systems are especially useful for-

- Small commercial disputes
- Consumer complaints
- E-commerce conflicts
- Remote or rural populations

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<sup>4</sup> Antara Roy, *Artificial Intelligence with Law in India*, 12 Int'l J. Creative Rsch. Thoughts 232, 232–40 (2024).

<sup>5</sup> Ethan Katsh & Orna Rabinovich-Einy, *Digital Justice: Technology and the Internet of Disputes* (2017).

There are many benefits to using ODR, such as reducing the pressure on the courts, and increasing access to justice.

However online dispute resolution mechanisms may also exclude economically weaker and digitally illiterate populations who lack internet access and technological awareness, thereby widening the digital divide.

#### e) **AI Chat bots and Virtual Legal Assistants**

Chat bots can be used to deliver basic legal information, for example, legal help for consumers, information on how to start or run a business and other matters of general public interest. This is especially relevant and of benefit in less developed countries and others with restricted legal aid schemes as it seeks to provide information to people who cannot afford a lawyer.

Thus, AI contributes to the democratization of legal knowledge.

## **4. AI in the Indian Legal System**

AI is gradually establishing its presence within the legal and judicial landscape of India. The judiciary has acknowledged the utility of technology for making the processes more efficient and quickening the pendency of cases.

### **❖ SUPACE and Judicial Innovation**

The significant development in India is SUPACE (Supreme Court Portal for Assistance in Court Efficiency) **under Justice S.A. Bobde (Chief Justice of India).**<sup>6</sup>

SUPACE is a tool supported with artificial intelligence that can assist judges and researchers in the following ways-

- Summarizing case files
- Extracting relevant facts
- Conducting legal research
- Organizing documents

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<sup>6</sup> Supreme Court Observer, SUPACE: *AI in the Supreme Court of India* (2020).

- Improving workflow efficiency

SUPACE does not aim to replace judges, but to help them deal with the huge quantity of legal information.

#### ❖ **AI Judgment Analysis and Translation Service**

The Supreme Court of India has also begun the process of translating judgments into regional languages like Hindi, Tamil, Marathi, Telugu and Urdu using AI.<sup>7</sup> This program helps litigants to better understand court rulings in their language and to access them, making them more accessible.

#### ❖ **AI During COVID-19**

With the advent of the COVID-19 pandemic, the technology adoption pace in Indian courts has quickened. Virtual hearings, e-filing, online courtrooms and digital case management were essential in the time of lockdowns.

The judiciary realized the need for technology for access to justice without interruptions. This experience highlighted the power of AI and digital tools to enhance judicial administration.

## **5. International Perspective on AI and Law**

Countries around the world are taking different approaches to AI regulation.

#### ❖ **European Union**

The European Union has adopted one of the most thorough strategies with the EU AI Act and the General Data Protection Regulation (GDPR).<sup>8</sup>

The EU uses a risk-based approach. High-risk AI systems, like facial recognition and automated decision-making, face stricter regulations.

The GDPR also protects individuals from certain types of automated profiling and stresses data privacy, transparency, and user consent.

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<sup>7</sup> Press Information Bureau, Government of India, *AI Initiatives in Indian Judiciary* (2023).

<sup>8</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data (General Data Protection Regulation), 2016 O.J. (L 119) 1.

❖ **United States**

The United States has placed more emphasis on innovation in AI development. American law firms and courts are increasingly using AI for legal analytics, contract review, and predictive systems.

At the same time, there are growing concerns about facial recognition, algorithmic bias, and the misuse of AI-generated content.

❖ **United Nations and Global Concerns**

International organizations, such as the United Nations University, have stressed that AI must support human rights, equality, fairness, and access to justice.

Worldwide, policymakers are working to ensure that AI systems stay transparent, accountable, and ethically governed.

- ❖ India has also initiated policy efforts such as the **IndiaAI Mission** to promote responsible and inclusive AI development. The initiative focuses on innovation, digital infrastructure, ethical governance and the development of AI technologies aligned with public welfare and constitutional values.

## 6. Deep fakes and AI Regulation

**“A lie can travel halfway around the world while the truth is still putting on its shoes.” – Mark Twain**

The emergence of deepfakes and fake media is one of the most significant challenges that AI poses today. AI generated deepfakes and fake media can cause misinformation, defamation, and loss of public trust. India has updated the Information Technology Rules to prescribe regulations for AI-generated content and deepfakes. Social media platforms now have to identify the content they generate using artificial intelligence and delete illegal deepfake content within a certain timeframe upon notification.<sup>9</sup>

These measures may also raise concerns regarding censorship and free speech. Excessive regulation of AI generated content may also raise concerns relating to

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<sup>9</sup> Ministry of Electronics and Information Technology *Advisory on Deepfakes and AI Generated Content* (2023).

freedom of speech and expression under **Article 19(1) (a) of the constitution**. In **Shreya Singhal v. Union of India**, the SC emphasized the importance of protecting online free speech against vague and excessive restrictions.<sup>10</sup>

## 7. Ethical and Legal Challenges

**“The real question is not whether machines think but whether men do”. – B.F. Skinner**

Although AI has its benefits, it presents significant ethical and legal challenges.

- Historical data that contains **social bias and discrimination** can be reproduced by AI systems used in training<sup>11</sup>. The use of facial recognition systems and predictive policing tools could disproportionately affect vulnerable populations. Such algorithmic discrimination may violate Article 14 of the constitution by producing arbitrary and unequal outcomes.
- Another concern with AI is **privacy and surveillance**, given its reliance on data collection and processing. The right to privacy was recognized as a fundamental right in **Justice K.S. Puttaswamy v. Union of India**.<sup>12</sup>  
The Supreme Court in **Anuradha Bhasin v. Union of India** also emphasized the importance of digital access and constitutional freedoms in the modern technological era.<sup>13</sup>
- There are also concerns about the ‘**black box problem**’ of AI systems making decisions without giving clear reasons.<sup>14</sup> This opacity can have a negative impact on fairness and **accountability** within the legal system.
- A few questions **about liability** remain unanswered. When an AI system causes harm, it is hard to know if it's the developer, the company, the programmer or the user.
- **Employment concerns-** many people fear that AI may replace human workers, including lawyers. But the reality is that AI cannot fully replace-

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<sup>10</sup> *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

<sup>11</sup> Cathy O’ Neil, *Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy* (2016).

<sup>12</sup> *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

<sup>13</sup> *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

<sup>14</sup> Frank Pasquale, *The Black Box Society: The Secret Algorithms That Controls Money and Information* (2015).

- Human advocacy
- Courtroom arguments
- Emotional intelligence
- Ethical reasoning
- Judicial discretion

Therefore AI is more likely to assist legal professionals rather than eliminate them. Generative AI tools such as ChatGPT are increasingly being used for drafting, summarization and legal research. However, courts across jurisdictions have expressed concern regarding AI hallucinations, fabricated citations and inaccurate legal analysis. Therefore, lawyers must independently verify AI-generated content before relying upon it in legal proceedings.

## **8. AI and Access to Justice**

AI can also play a role in enhancing access to justice by offering cheaper, faster and more accessible legal services. There are AI legal systems that can enable individuals to grasp their legal rights and avail them fundamental legal solutions.

Dispute resolution systems online can help to lessen the workload on courts and can be used to efficiently settle small disputes. AI could also help enhance judicial efficiency and legal accessibility in nations, such as India, where courts are burdened with a heavy workload and backlog.

But technology should be used to aid, not supplant, human justice and compassion.

## **9. The need for responsible AI Regulation**

The future of AI in the field of law depends upon responsible governance and ethical regulation.

Governments of all the nations must create frameworks to ensure-

- Transparency
- Accountability
- Human oversight
- Cyber security

- Data protection
- Fairness
- Protection of constitutional morality and rights

Existing laws in India such as **the IT Act, 2000<sup>15</sup>, IT Rules<sup>16</sup>, and DPDP Act<sup>17</sup>** only partially address AI related concerns.

Therefore India needs a dedicated legal framework to balance technological innovation with human rights, democratic values and economic growth.

## **10.Way forward**

The growing integration of AI into legal systems requires a comprehensive regulatory framework that balances innovation with constitutional protections. Governments must ensure transparency, accountability and human oversight in AI based decision making. Independent regulatory bodies should monitor algorithmic fairness and prevent misuse of AI technologies.

Judicial officers, lawyers and law students must also be trained in technological literacy to responsibly engage with AI systems. Strong cyber security measures, ethical guidelines and data protection standards are necessary to protect individuals against surveillance, discrimination and misuse of personal information.

Ultimately, AI should remain a tool for assisting human decision making rather than replacing judicial wisdom, empathy and constitutional values.

## **11.Conclusion**

AI should function as an assistive tool rather than a substitute for human judgment, particularly in a profession that depends upon ethics, empathy, constitutional values and judicial discretion.

AI is reshaping the legal landscape all over the globe. AI can streamline processes, minimize delays, aid in legal research, and promote justice. The Indian legal system is gradually adopting AI in judicial administration.

Meanwhile, privacy, deepfakes, discrimination, surveillance, accountability, freedom of speech is all serious concerns arising from AI. As a result, States need

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<sup>15</sup> Information Technology Act, No. 21 of 2000, INDIA CODE (2000).

<sup>16</sup> Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Gazette of India, Extraordinary, Part II, section 3(ii) (Feb. 25, 2021).

<sup>17</sup> Digital Personal Data Protection Act, No. 22 of 2023, INDIA CODE (2023).

to guarantee that technological innovation is accompanied by ethical protection and constitutional guarantees.

The challenge before modern legal systems is not whether AI should be adopted, but how it can be governed responsibly to ensure that technological progress remains subordinate to constitutional morality, human dignity and the rule of law.

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