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Artificial Intelligence and the Changing Landscape of Indian Law

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Artificial Intelligence (AI) has now become a critical component in today's society. In India, AI is revolutionizing various industries, including healthcare, finance, education, and law, with applications ranging from virtual assistants to predictive analytics for legal research. But alongside the benefits of efficiency and innovation, AI poses challenges of privacy, responsibility, copyright, and cyber security. The biggest hurdle in front Indian law system is that it is facing problems in catching up with the technological advances.

Understanding Artificial Intelligence

Artificial Intelligence: It is a technology that allows computers to mimic human behavior, including the ability to learn, reason, problem solve and make decisions. AI systems operate using technologies like machine learning, deep learning, and natural language processing (NLP). Government, health, education, transportation, e-commerce, among others, have seen a growing adoption of AI technologies in India in recent times, as demonstrated by the Digital India and the *National Strategy for Artificial Intelligence launched by the Niti Aayog*¹ (National Policy for Artificial Intelligence). Following the emergence of such technologies in India driven by artificial intelligence, the law is now facing both challenges and issues.

The legal impact of AI in India.

AI has been making an impact in the legal profession of India. Previously, manual legal research and legal analysis of the cases was a very time-consuming and laborious task. Today, though, AI-driven tools like CaseMine and SpotDraft make it easy for lawyers to get to those

¹ NITI Aayog, *National Strategy for Artificial Intelligence #AIForAll* (2018)

judgments as well as legal precedents. New technologies like AI are also helping attorneys analyze contracts, run due diligence, review documents, and make predictions, which increases efficiency and saves money. These tools can help lawyers process vast quantities of legal information within a single timeframe and help law firms deliver more precise legal services.

Over the last few years, the judiciary system in India has also begun to integrate AI-driven processes into its working. The Supreme Court recognized the need to provide a legal research and document management tool for judges, hence the SUPACE project was developed. Finally, AI can assist judges and lawyers in managing immense amounts of legal info, leading to broader efficiencies in the justice system. In India, with the vast number of pending cases in courts, the use of AI could be instrumental in enhancing the efficiency and effectiveness of the judicial system in the future.

Legal challenges created by AI

AI has the power to produce countless legal challenges. However, AI has brought about legal issues regarding privacy and data protection. AI systems involve the capture and processing of personal data, while applications like facial recognition can lead to unapproved surveillance if it's not handled responsibly. The right to privacy was recognized as a fundamental right in Justice *K.S. Puttaswamy (Retd.) v. Union of India*².

The use of facial recognition systems, AI-based profiling, and digital surveillance have raised significant concerns in recent years, despite having some regulatory frameworks in place to address data collection and processing. Hence, the need for enhanced legal protection against technological development harming individual privacy and civil liberties.

Intellectual Property, Cyber Security, and Need for AI Regulation

Many serious challenges have emerged about intellectual property rights and cyber security through the advent of Artificial Intelligence. AI systems can produce text, images, music, and software code, leading to potential uncertainty over the ownership of AI-generated content. The general rule of the *Copyright Act, 1957*³ is that copyright protects only works created by an author or human authority. But AI-made creations introduce doubts on which entity (the

² *K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1

³ *Copyright Act, No. 14 of 1957, India Code*

user, the developer, or the organisation running the AI system) owns the creation. The uncertainties underscore the pressing need for reforms in the Indian IP framework.

There also are significant cyber security and ethical issues with AI. Social media platforms and platforms with embedded AI systems are also a concern due to algorithmic bias, which can result in discriminatory outcomes during recruitment, lending, or policing when there is bias in the data aiding in the training of AI systems. Algorithmic bias is another major concern, as AI systems are trained on biased data it may produce discriminatory outcomes in recruitment, lending, and policing, which can be discriminatory in recruitment, lending, or policing when there is a bias in the data used to train AI systems, and social media platforms are a concern. As a result, the principles of transparency and accountability in AI governance are still crucial.

Currently, there is no specific legislation that is dedicated to AI in India. There are certain existing laws that somehow, indirectly, regulate AI related issues, such as *Information Technology Act, 2000*⁴, *Digital Personal Data Protection Act, 2023*⁵ and Copyright Act, 1957. Moreover, the National Strategy for Artificial Intelligence (#AIForAll) (2018) and the *Principles for Responsible AI by NITI Aayog*⁶ highlight the ethical use of AI, transparency, and considerations for public good.

Can Artificial Intelligence Replace Lawyers?

The topic of AI is not about opposing technology vs individuals. However, AI can never be able to replace lawyers completely because the role of a lawyer or judge includes interpretation, ethical reasoning, emotional intelligence, advocacy, and human judgment. Rather, AI can be considered as a tool that can help legal professionals work more efficiently and reduce repetitive tasks. With the rapid advancement of AI technologies, India needs a considerate jurisprudence, which allows for innovation and is constitutional in nature.

Conclusion

In conclusion, Artificial Intelligence has the potential to significantly transform the Indian legal landscape, offering efficiency, access, and legal research benefits. But there is also a worry of its fast growth concerning privacy, accountability and misusing technology insofar as the legal and ethical issues are concerned. This underscores the importance of introducing a responsible

⁴ *Information Technology Act, No. 21 of 2000, India Code*

⁵ *Digital Personal Data Protection Act, No. 22 of 2023, India Code*

⁶ *Ministry of Electronics and Information Technology, Principles for Responsible AI (2021)*

and balanced AI governance framework in India to ensure the growth of technology while simultaneously safeguarding individual rights and democratic principles. A comprehensive legal framework, complemented by ethical guidelines and judicial supervision, can effectively manage AI in India, fostering innovation and technological advancement.