



# The Indian Journal for Research in Law and Management

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## IS LAW KEEPING UP WITH DIGITAL PROGRESS

*-Tazkiya*

### INTRODUCTION;

Assignments, stories, legal opinions, life choices, personal topups, news briefs, ads, anime, content, creativity and so on- this long list of what we use AI for in today's world is only a shine in the light of progress in digital world and its impact on daily lives of human beings. Every change of ripple in a society means that the laws governing them have to keep up with its effects but has the law been able to keep up with informatics revolutionizing almost everything?

### EVOLUTION OR REVOLUTION.

The Law cant possibly stay ahead, it will always lag a bit behind. Honestly, thats part of the fun of IP law because the law is perpetually having to evolve by necessity to keep pace with rapidly evolving aspects of technology.<sup>1</sup>

The rapid evolution of technology and computing had become a part of daily lives of people and legislatures followed right behind; from creating a whole branch of laws for virtual crimes i.e., cyber laws to introducing amendments in the existing acts like introduction of E-Commerce rules in Consumer Protection laws etc. These new laws might have been consistent with the evolution of informatics in different spheres of technologies but we have seen a drastic shift of IP from evolving with new ideas to circumscribing around a whole new world of AI which no wonder took world into a phase of Digital revolution and here legislature paced slower because AI was only supposed to be a new step but instead it formed into a whole new world so people had to be trained to live in such a world.

### CURRENT SCENARIO IN INDIA.

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<sup>1</sup> *Is The Law Playing Catch-Up with AI?* Harvard Law School (2025).  
<https://hls.harvard.edu/today/is-the-law-playing-catch-up-with-ai/> (Accessed: 09 June).

Surprisingly though it wasn't hard, was it the concept of fiction or anything else people rarely blinked with its effects and so did the judiciary; right from 2019 in Madras High Court the digital world received its first protection under patent laws where hon'ble court put forth the technical contribution test<sup>2</sup> and later included technical innovations based on mathematics and algorithm within the protection of patent laws in India.<sup>3</sup> Further enhanced by *Blackberry case*'s ruling by Delhi High Court where instructional sequencing' and software implementation claims were validated<sup>4</sup> and these cases laid a foundational precedent for other landmark judgements in India.

Yet perhaps judiciary turning to semi solemn approach towards this revolution was not ideal as courts are now stormed with whole new problem of too much inclusion of AI, not only in India but internationally the sound of phantom alarm was raised, just as warned by scholars such quotes, judicial opinions, citations etc were introduced that were absolutely non existent but so realistically fabricated that courts now needed to figure out how to filter legal proceedings.<sup>5</sup>

## INTERNATIONAL LAWS AND DIGITALIZATION

Internationally scenario is not far from India, scholars now focus on demanding digitilizing human rights agreements and including cyberspace as one aspect of where human rights can be violated.<sup>6</sup> States are actors in international laws but real adversarial players are considered to be large corporations like Google, Facebook, Amazon etc who sell consumers information online making people vulnerable and accessible enough to be examined and influenced by influencers even directing in some way the decision making power of consumers.

## FUTURE OUTLOOK.

Digitalization and its contest with legalization raises severe concerns of privacy, data protection, transparency in legal matters, extent of its infringement and so on which are directly

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<sup>2</sup> *Flipkart Internet Private Ltd v. The Joint Controller of Patents and Designs*. CMA(PT) No. 9 of 2024 (Madras H. C.)

<sup>3</sup> *Idemia v. The Controller General of Patents*. (2024).

<sup>4</sup> *Blackberry Limited v. Controller Of Patents And Designs* (2022).

<sup>5</sup> *The Evolution of IP Law In The Age Of Ai: Landmark 2024 judgments and their implications*, **Khurana And Khurana** (2025). <https://www.khuranaandkhurana.com/the-evolution-of-ip-law-in-the-age-of-ai-landmark-2024-judgments-and-their-implications> (Accessed: 09 June 2026).

<sup>6</sup> Dementev, A.A. *New Challenges of International Law in the Digital Age*, (2021) **Academia.edu**

coercing focus towards the dire need of pacing up with digital revolution.<sup>7</sup> This growing extent of digital progress will likely bend law makers into focusing on balancing human rights especially fundamental rights with technological innovations and at the same time stalk emerging technologies to condense its adverse effects by maintaining legal clarity. So an amalgamation of the digital world blended with binding and non-binding legal regulations is required to ensure a stagnant and developmental cycle of sapping in digitalization at the rate of its progress. Non- acceptance of striving towards conjuring a digital world in the physical one is certainly not an option because the phase of reluctance to accept technological changes has already eroded. Now people are more than ready to live side by side in two worlds i.e., the virtual and the physical one at the same time.

### **CRITICAL ANALYSIS.**

Digital progress is not a fictitious story anymore, it has turned into an essence of modernization in today's world but certainly such a big inclusion has to have its effects and counter effects. On one hand where digitalization is being viewed as a source of convenience and democratization it is also accepted as being infringing on the very human rights but the reality stands that people have become so used to these technological developments that they have sidelined its adversarial effects on their lives. Laws exist to protect innocents and victims from exploitation but what happens when the exploiter is not amicable to actus reus, mens rea and other essentials of what constitutes a crime, just because the offender is a phantom doesn't mean it can be called non-existent and thus ignored. This scenario is exactly what fits the description of digital revolution especially when it goes unchecked, it is therefore the law makers and concerned legal authorities that have to play a shielding and policing role to protect enthusiastic scrollers from being suckered by the void of this emerging new world. Which leaves us with a question of what needs to be regulated, the coding process or the intention of its coders?

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<sup>7</sup> Burchardt, D. *Does digitalization change international law structurally?*, **German Law Journal**, 24(3) (2023).

