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ARTIFICIAL INTELLIGENCE ON HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW

INTRODUCTION

The way we work will be revolutionized by artificial intelligence (AI). There are many new opportunities in sectors such as healthcare, education, transportation, but for governance, human rights and the rule of law of AI's progress are still very uncertain. It was clearly observed that an AI without proper caution could be a great threat to humanity and its diversity, as the late Stephen Hawking said¹. Therefore, it should be a necessary step for governments and cyber security companies to set up a task force which can help them to evaluate both AI's human rights risks and opportunities. This includes women and children, as well as certain cultural, racial, and religious groups, the elderly, the disabled, and LGBTQ community members also.

Increasing the use of AI in the criminal justice system² risks in interfering with the right to be free from personal freedom interference. One of the examples is the recurrence risk-scoring technology used throughout in all the states of U.S.A. Criminal justice system guide detention decisions at almost any level, from parole to criminal conviction³. Using this technology, it has resulted in more people being wrongly defined as high-risk individual; give higher bail conditions, or being held in pre-trial custody, or even being sentenced to longer prison terms. Furthermore, risk-scoring systems are not prescribed by law and the use of discretionary inputs, detention decisions are guided by these systems which may be illegal or arbitrary in nature.

The technology which are used by the police departments are very much predictive in nature and also have the risks of falsely attributing blame, incorporating old past data into current police biasness. Reports also

¹Stephen Hawking Warned about Dangers of Artificial Intelligence, BreakingNews (14th March, 2018) <https://www.breakingnews.ie/world/stephen-hawking-warned-about-dangers-of-artificial-intelligence-832449.html> (Last visited on 23rd April,2020)

²Christopher Rigano, *USING ARTIFICIAL INTELLIGENCE TO ADDRESS CRIMINAL JUSTICE NEEDS*, National Institute of Justice, <https://www.ncjrs.gov/pdffiles1/nij/252038.pdf> (Last visited on 23rd April, 2020)

³WALKER, BARRINGTON, *Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858-1958*, University of Toronto Press, 2010, *JSTOR*, www.jstor.org/stable/10.3138/j.ctt2tv37s. (Last visited on 23rd April, 2020)

suggest that ‘Judges don’t know much about the risk-scoring systems work’⁴, and yet many still rely heavily on the results because the technology is seen as an unbiased and time-saving, although it still raises the question that whether court judgments made based on such software can be considered fair or not ?

Governments officials also turn over their decision-making power in the hands of private companies’ devices, when there is need of faster remedy⁵. These engineers in the private companies, are not even elected officials and use data analytics and design the choices to code the policy choices which are often overlooked by both government agencies and the public⁶. When people are denied parole time or are given a certain sentence for some reason, they will never understand that why it all happened, then the government authority are charged with making the decision cannot express it, that why it all happened in the first place. Courts may not be fair, and the rights of many individuals may get infringed.

AI's inability to handle the different situations of different nature is likely to cause furthermore issues in the future. Laws are not absolute in nature; there are some situations in which it becomes permissible to break the law. For example, running a red light to prevent a rear-end collision with a tailgating car is probably acceptable. Firstly, a human police officer may make that distinction and choose not to fine the driver but the security cameras at the Traffic light poles are unable to make that kind of judgment. In the future of AI, Smart Cities and Robocops, there are possibilities that this lack of complexity will result in a significant increase in people with little recourse who are wrongly arrested or fined⁷. As the time is being passed with more and more data available easily, it is expected that information on social media in the form of posts and actions will be used by AI-based systems that inform law enforcement and court decisions.

RIGHTS TO PRIVACY AND DATA PROTECTION

Right to Privacy is an essential fundamental right to human beings. The right to privacy enhances certain freedoms, such as freedom of expression or forming any kind of association. A fundamental right to personal data security is now recognized by many governments⁸. The primary and main purpose of data protection is to secure all kinds of personal data related to a human being. The term Data Protection is closely related to

⁴Jason Tashea, *Courts Are Using AI to Sentence Criminals. That Must Stop Now*, Wired (17th July, 2017, 7: 00 A.M), <https://www.wired.com/2017/04/courts-using-ai-sentence-criminals-must-stop-now/> (Last visited on 23rd April, 2020)

⁵Lisa Roepe, *Three Examples of How Companies Make Data-Driven Decisions*, UTICA College, <https://programs.online.utica.edu/articles/data-driven-decisions> (Last visited on 23rd April, 2020)

⁶Zeynep Tufekci, *Engearing the public: Big Data, surveillance and computational politics*, 19 Firstmonday (2014)

⁷Packt Publishing, *Artificial Intelligence for Smart Cities*, Becominghuman (Aug 9, 2019), <https://becominghuman.ai/artificial-intelligence-for-smart-cities-64e6774808f8> (Last visited on 23rd April, 2020)

⁸Surabhi Agarwal, *Personal Data Protection Bill only after new government takes over*, The Economic Times (Jan 04, 2019, 07.27 A.M), <https://economictimes.indiatimes.com/tech/internet/personal-data-protection-bill-only-after-new-government-takes-over/articleshow/67374919.cms?from=mdr> (Last visited on 23rd April, 2020)

the right to privacy and in many cases is considered as part of the United Nations Human Rights System's Right to Privacy.⁹

Artificial Intelligence (AI) systems are often prepared by obtaining large data sets and then analyzing them in order to create feedback mechanisms and ensuring data adjustment and refining. Furthermore, it is observed in many cases by many learned jurists that data collection interferes with data protection and privacy rights. Data analyzes which uses AI systems, tend to expose private information about individuals, or a group of individuals which should be protected and regarded as confidential, even if that data is extracted from large data sets that are publicly available. For example, Researchers have developed a software model that can accurately estimate the age, sex, occupation, and marital status of an individual from their location data on their cell phone.

RIGHT TO FREEDOM OF MOVEMENT

AI's ability to restrict movement freedom is directly related to its monitoring use. In one of the surveys which clearly said that 'AI can provide a detailed picture of the movements of individuals as well as predict future locations in systems that combine data from satellite imagery, facial recognition-powered cameras, and cell phone location information, among other things and make an algorithm out of it'¹⁰. The government uses it to enforce restrictions on freedom of movement for both at the individual level and group level.

It expands from smart highways to biometric tagged public transportation systems to infrastructure and transportation systems. However, when AI is used to make decisions about who can fly — for instance, by placing people on a "Do Not Fly" or other prohibitive travel list— errors can lead to people being wrongly restricted in their freedom of travel¹¹. In some cases, the authority in response to it says that it is related to national security, so it is necessary to be done.

The only allowable restrictions are those mentioned in article 12(3) of the International Covenant on Civil and Political Rights (ICCPR). Governments have a duty to ensure that a person's freedom of movement is not unduly restricted by others, including private persons or companies.

RIGHTS TO FREEDOM OF EXPRESSION, RELIGION, ASSEMBLY

⁹ *Human Rights*, United Nations- Peace, dignity and equality on heathy planet, <https://www.un.org/en/sections/issues-depth/human-rights/> (Last visited on 23rd April, 2020)

¹⁰Strasbourg, *Safeguarding human rights in the era of artificial intelligence*, (3rd July, 2018), <https://www.coe.int/en/web/commissioner/-/safeguarding-human-rights-in-the-era-of-artificial-intelligence> (Last visited on 23rd April, 2020)

¹¹*Flight Control Laws*, (12th Dec, 2018, 08:03), https://www.skybrary.aero/index.php/Flight_Control_Laws (Last visited on 23rd April, 2020)

Everyone should have the right to freedom of thought, conscience, and to practice any religion. This right includes freedom to practice or to adopt any religion or belief of his or her choice, and have freedom, either individually or in a community with others and in public or private, to practice his religion or belief in worship, observance, and teaching. Internet companies that host content related religion-oriented content use AI to flag posts that violate their terms of service¹². Governments exert formal and informal pressure on companies to address the problems of alleged terrorist content hate speech, and so-called “fake news, but without clear standards or definitions, it has led to increased use of automated systems¹³. AI is still not near to perfect and companies are pressurize and are ordered to take down content as soon as possible. YouTube took many steps to remove more than 1 lakh videos which clearly documented in Syria after they were flagged. These videos often serve as the sole evidence of horrific crimes and human rights violations, and one of the YouTube’s policy also carves out some exceptions for violent content when it is of important educational or documentary value¹⁴, and yet they were still taken down.

Governments use similar technology to increase censorship as the Chinese government is already replacing some of its human censors with AI¹⁵. AI could be of an assisto government officials in monitoring and targeting members of persecuted religious groups. Not only could this force such groups further into secrecy for fear of being identified, but it could produce physical consequences, from violence to arrest to death. This would constitute a direct violation of freedom of religion if people are not able to display religious symbols, pray, or teach about their religion online.

AI-powered surveillance effect which will have serious repercussions for freedom of expression¹⁶. One powerful example is facial recognition. If used in public spaces to identify individuals at a protest, this may have a significant chilling effect on assembly. The implementation of such a system in countries that restrict free assembly would effectively prevent enjoyment of this right, as many people rely on the level of security anonymity provides to gather in public and express their views.

The role of AI in content ranking and the creation and reinforcement of filter bubbles poses an indirect threat to freedom of thought because it shapes the type of information people have access to. Although people often can access other sources of information or seek out different opinions, humans’ limited time and

¹² *Disinformation, hate speech, terrorist propaganda. How to regulate the Internet without killing it*, <https://www.journalismfestival.com/news/disinformation-hate-speech-terrorist-propaganda-how-to-regulate-internet-without-killing-it/>

¹³ A Freedom House survey found 30 of 65 of governments attempted to control online discussions <https://freedomhouse.org/article/new-report-freedom-net-2017-manipulating-social-media-undermine-democracy>

¹⁴ wired.co.uk/article/chemical-weapons-in-syria-youtube-algorithm-delete-video

¹⁵ Jan Krikke, *Chinese AI will Develop Chinese Artificial Consciousness*, Medium (Nov 25, 2018)

<https://medium.com/@jankrikkeChina/chinese-ai-will-develop-chinese-artificial-consciousness-81b11c7fc95e> (Last Visited on 3rd May, 2020)

¹⁶ David, *Privacy and Freedom of Expression In the Age of Artificial Intelligence (Privacy International)*, DESIGNING A.I., (APRIL 26, 2018) <http://designing.ai/noted/1047> (Last visited on 3rd May, 2020)

attention mean most people do not do this. And in countries without a robust free press and limited internet access, social media platforms such as Facebook are often the only source of unregulated information.

RIGHTS TO POLITICAL PARTICIPATION AND SELF-DETERMINATION¹⁷

Every citizen shall have the right and the opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives to vote and to be elected at a genuine periodic elections which shall be universal and shall be held by secret ballot, guaranteeing the free and fair expression of the electors to have access, on general terms of equality, to public service in his or her own country.

The role of AI in creating and spreading disinformation challenges the notion of fair elections and creates a threat to the right to political participation and self-determination. The 2016 United States of America's Presidential election showed 'how a foreign power can leverage bots and social media algorithms to increase the reach of false information and potentially influence voters¹⁸. Although platforms are working to prevent this type of activity, a future of AI-powered chat bots and deep fakes will likely make such content more convincing to voters and harder for companies to detect. This may chill political participation, particularly if voters lose trust in the legitimacy of elections.

RIGHTS TO WORK, AND ADEQUATE STANDARD OF LIVING

The right to work is not an absolute and unconditional right to work, it requires States to work for full employment. AI's role in job automation may pose a real threat to the right to work like it in the first place stop many people from entering into the labor market. In some industries, automation has contributed to job loss, and AI is widely expected to exacerbate this trend.

Job automation may bring about a range of challenges which the governments will have to address to ensure an adequate standard of living. In few countries, the government uses automated decision-making systems in programs to address poverty, for everything from eligibility for government-funded health care to food assistance¹⁹. During his 2017 visit to the U.S., the UN Special Rapporteur on extreme poverty and human rights found that city authorities across the country are using automated systems to match the homeless population with available services²⁰.

¹⁷The Universal Declaration of Human Rights, (04th January, 2010, 19:24 PM), Claiming Human Rights, http://www.claiminghumanrights.org/udhr_article_21.html (Last visited on 3rd May, 2020)

¹⁸Alessandro Bessi & Emilio Ferrara, *Social bots distort the 2016 U.S. Presidential election online discussion*, First Monday (2nd Nov, 2016) <https://firstmonday.org/article/view/7090/5653> (Last visited on 3rd May, 2020)

¹⁹Virginia Eubanks, *The Digital Poorhouse*, Harper's Magazine, <https://harpers.org/archive/2018/01/the-digital-poorhouse/> (Last visited on 3rd May, 2020)

²⁰Statement on Visit to the USA, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights, UNHR, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22533&LangID=E> (Last visited on 3rd May, 2020)

RIGHT TO GOOD HEALTH

Some of the most promising and impactful applications of AI are in healthcare, from helping doctors more accurately to diagnose disease, providing individualized patient treatment recommendations, and making specialist medical advice more accessible to the general public. However, there are also ways in which AI could be a threat to the right to health. One is the potential for AI-powered systems to result in discrimination or be programmed in ways that place outcomes (such as cost reduction) over the wellbeing of the patient.

For example, an AI system could be designed to recommend different treatments depending on the insurance status of the patient or how much they are able to pay, potentially denying lifesaving care to someone because of their socioeconomic status, harming marginalized groups who already suffer from insufficient access to quality healthcare. Another potential issue is the negative feedback that could result from over-reliance on the guidance of an AI system. For example, If doctors tend to withdraw care for patients with certain diagnoses, such as extreme premature birth or severe brain injuries, an AI-based system may learn that such diagnoses are mostly fatal and recommend the doctor and not treat, even if in some cases treatment may be effective²¹ to the patient. There is the impact of the inevitable error rates of any system. Even if, for example, IBM's "Watson"²² is more accurate than human doctors at diagnosing disease, it might get the diagnosis wrong on occasion, or recommend the wrong treatment. The same issue could arise in AI systems that predict disease outbreaks and recommend responses.

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RIGHT TO EDUCATION²³

The teaching methods and the common relationship between students and educators have changed considerably. Methods of teaching around the globe have become more organized to deliver better, more efficient outcomes. The transition can be traced primarily to technology's continuing interference. We are observing a fundamental change in the teaching-learning process on the back of ongoing technological advancement. The relationship between educators and students is evolving, with educators becoming more open and recognizing the experiences of their students much better.

AI can fundamentally violate the principle of equal access. In one of the articles, it said that 'Universities in the U.S. are using deterministic algorithmic systems to recommend applicants they should admit. These are

²¹PATRICIA HANNON, *Researchers say use of artificial intelligence in medicine raises ethical questions*, Stanford Medicine, <http://med.stanford.edu/news/all-news/2018/03/researchers-say-use-of-ai-in-medicine-raises-ethical-questions.html> (Last visited on 3rd May, 2020)

²²Margaret Rouse, *IBM Watson supercomputer*, <https://searchenterpriseai.techtarget.com/definition/IBM-Watson-supercomputer> (Last visited on 3rd May, 2020)

²³International Covenant on Economic, Social and Cultural Rights, 1966

often custom-built to meet the school's preferences and have a host of issues that can lead to discrimination, including the use of historical data of previously admitted students to inform the model'²⁴. Since many elite universities have historically been attended by wealthy white males, any model that uses these data risks perpetuating past trends. Such systems will likely employ ML in the future, which would make bias harder to detect. This could result in universities discriminating under the guise of objectivity.

AI, by definition, focuses on machines that are designed to be intelligent enough to work and react like humans. AI has automated drab administrative tasks and cut down on the time and effort teachers used to put in things like assessing students' work and grading exams. With this, teachers can now direct their energies towards engaging with their students and dealing with challenges that they are facing. AI is also helping school admission boards by automating the classification and processing of paperwork.

RIGHT TO LIFE, LIBERTY AND SECURITY

According to Article 9 of the ICCPR (The International Covenant on Civil and Political Rights) which says "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."²⁵

According to Article 14 of the ICCPR (The International Covenant on Civil and Political Rights) which says "All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. Everyone charged with a criminal offense shall have the right to be presumed innocent until proven guilty according to law."²⁶ The risk scoring system is not prescribed by the Judicial system in the U.S and the one of the reason is that they think that these systems may be illegal or arbitrary in nature. They don't agree with it, but they still use it to make their work faster and easier.

From the author's view point, the judges should see the intensity of the case and then decide whether to use the AI for it or just give the judgment by themselves. As the world is changing with every minute, being dynamic in nature and so all the cases are not of the same nature. Every person in a case deserves a different treatment, which the AI overlooks it.

²⁴Vyacheslav Polonski, *Algorithmic determinism and the limits of artificial intelligence*, (Nov 1, 2016) <https://medium.com/@drpolonski/algorithmic-determinism-and-the-limits-of-artificial-intelligence-d32397b8f618> (Last visited on 3rd May, 2020)

²⁵*Right to security of the person and freedom from arbitrary detention*, Australian Human Rights Commission (1st May, 2013) <https://www.humanrights.gov.au/our-work/rights-and-freedoms/right-security-person-and-freedom-arbitrary-detention> (Last visited on 3rd May, 2020)

²⁶*Supra* Note. 24

ROLE OF COMPREHENSIVE DATA PROTECTION LAWS

Comprehensive data protection laws should be applied to both the government and private sectors and which can go a long way in addressing many of the human rights risks posed by AI. The reason behind this is that data is the engine of AI and any law that mandates protection of personal data will necessarily blame AI systems.

ARTIFICIAL INTELLIGENCE ON DEMOCRACY

With my study and research on Artificial Intelligence, I have a very clear idea that Artificial intelligence is one of the hottest topics in this ever-changing dynamic world. AI is a way ahead to offer the industry with innovative and smart business solutions. It adds valuable elements to the e-commerce platforms to stay in the market. Nowadays many be it a small shop vendor or even a small-scale saloon with a small budget uses Artificial Intelligence technology in for of paying or receiving payments through online payment system and financial technology companies like Paytm, Phonepe, Google Pay, etc. It's time for e-commerce platforms, which are enabled with an Artificial Intelligence experience that is changing the business model of many brands. The advancement of new technologies has completely changed the current scenario of the industry.

According to the researcher, Kevin Körner of Deutsche bank says “Digital technology can be used in the service of liberal or authoritarian societies, strengthening both government accountability and repressive capabilities. It has led to unprecedented access to and exchange of information, and it has amplified the spread of misinformation, echo chambers and propaganda, thereby possibly contributing to rising populism and the polarization of democratic societies”²⁷.

According to Irnina Albastroiu, who is a faculty member of Bucharest Academy of Economic Studies says “In this new economy, knowledge and information have become the main production factor. In this context, innovation and technical progress have a major contribution to consumer economic development. The electronic commerce is the key to enterprises’ competitiveness in this informational era, ensuring access to new market segments, increasing the speed of developing business, the increased flexibility of commercial policies, decreasing the provisioning, sale, and advertising costs, simplifying the procedures, etc. The impact of the electronic commerce upon the companies and upon society will be of great importance both as to the extent and as intensity. This study aims to establish the ways of making the Internet trade activities more

²⁷Kevin Körner, *Digital Politics AI, big data and the future of democracy*, DB Research, (22nd Aug, 2018)

https://www.dbresearch.com/PROD/RPS_EN-

PROD/PROD000000000497768/Digital_politics%3A_AI%2C_big_data_and_the_future_of_d.PDF (Last visited on 3rd May, 2020)

effective and the possibilities by which this kind of activity contributes to the economic development and becomes a growth factor for companies' competitiveness."²⁸

In a recent news the Chinese government have taken a great initiative and a totally different approach in comparison to other developing and developed nations and it is that they are pumping money into AI research as part of a strategy, which was launched in July 2017, to devote part of its sovereign wealth funds to new AI labs and establish itself as the world's AI leader.²⁹

In one of the interviews, the Chinese President Xi Jinping mentioned that "He dreams to have a technologically dominant country which will transform global trade, Internet, the way we do business and even how we travel"³⁰

According to the spokesperson of Accenture which is a leading multinational professional services company says in news release that "Artificial Intelligence, as we see it, is a collection of multiple technologies that enable machines to sense, comprehend and act—and learn, either on their own or to augment human activities. Compelling data reveal a discouraging truth about growth today. There has been a marked decline in the ability of traditional levers of production—capital investment and labor—to propel economic growth. Yet, the numbers tell only part of the story. Artificial intelligence (AI) is a new factor of production and has the potential to introduce new sources of growth, changing how work is done and reinforcing the role of people to drive growth in business"³¹.

ARTIFICIAL INTELLIGENCE'S SCENARIO IN INDIA, CHALLENGES, AND RULE OF LAW

Police from Kerala developed a robot for police work in February. Chennai received his second robot-themed restaurant the same month, where robots not only serve as waiters but also interact in English and Tamil with customers³². Mr. Tejas Patel, an Ahmedabad based Cardiologist, conducted the first-in-human telerobotic coronary intervention on a patient nearly 32 km away in Ahmedabad in December 2018³³.

²⁸Irina Albastroiu, *Contribution of the e-commerce to the economic development*, International Conference on Business Excellence 2007, https://www.academia.edu/21719579/Contribution_of_the_e-commerce_to_the_economic_development (last visited on 3rd May, 2020)

²⁹YI-LING LIU, *China's AI Dreams Aren't for Everyone*, (Aug 13, 2019, 6:14 PM), <https://foreignpolicy.com/2019/08/13/china-artificial-intelligence-dreams-arent-for-everyone-data-privacy-economic-inequality/> (Last visited on 3rd May, 2020)

³⁰AMY WEBB, *Build democracy into AI*, Politico (Mar. 15th, 4:04 AM), <https://www.politico.eu/article/build-democracy-into-ai-combat-china/> (Last visited on 3rd May, 2020)

³¹*ARTIFICIAL INTELLIGENCE IS THE FUTURE OF GROWTH*, Accenture, <https://www.accenture.com/us-en/insight-artificial-intelligence-future-growth> (Last visited on 3rd May, 2020)

³²*Artificial Intelligence, the law and the future*, Crack IAS, (6th Nov, 2019) https://www.crackias.com/news_topic.php?news_id=9891&page_no=1&id=564 (Last visited on 3rd May, 2020)

³³ *World's first in-human tele-robotic coronary intervention performed in Gujarat*, Business Line, (Dec 6th, 2018), <https://www.thehindubusinessline.com/news/science/worlds-first-in-human-telerobotic-coronary-intervention-performed-in-gujarat/article25677934.ece> (Last visited on 3rd May, 2020)

All these examples symbolize the arrival of Artificial Intelligence (AI) in our daily lives. As seen in these cases, AI has several positive applications. Yet AI systems are able to learn from experience and work independently for people who make AI the most disruptive and self-transforming software.

When AI is not properly regulated, the consequences are expected to be impossible to manage. Imagine, for example, that the supply of electricity stops suddenly while a robot performs an operation and a doctor's access is lost? And what if a drone hits a person? In the U.S. and Germany, these questions have already reached courts. All countries must be legally prepared to deal with such disruptive technology, including India³⁴.

CHALLENGES

Being a law student some questions pop in my head while doing the research is that for instance Criminal Law is going to face a drastic challenges and the questions which pop out are – What if an AI-based driverless car gets into a car accident that causes harm to a human or humans at large or damages property/ Who should the courts hold liable for the same? The general answer to this can be the owner of the vehicle, jointly held with the company which manufactured the vehicle, but it is not that simple? Let's keep it for the judges to decide.

NITI Aayog published a policy paper in India on June 2018, “National Strategy for Artificial Intelligence³⁵,” which recognized the value of AI in various sectors. A regional AI system was also announced in Budget 2019. While on the technological front all these innovations are taking place, no substantive legislation has been developed in the country to date to govern this growing industry.

LEGAL PERSONALITY OF AI INDIA

From Criminal Law Jurisprudence point of view, it is essential to establish the legal personality of AI which means that AI must have some right and Obligations and also some sort of intention could be applied to it According to G.S Bajpai, Chairperson of Centre for Criminology & Victimology said that “AI is considered an inanimate, a strict liability scheme which keeps the product's supplier or manufacturer responsible for

³⁴ G.S. Bajpai & Mohsina Irshad, *Artificial Intelligence, the law and the future*, The Hindu (JUNE 11, 2019 00:45 IST) <https://www.thehindu.com/opinion/op-ed/artificial-intelligence-the-law-and-the-future/article27766446.ece> (Last visited on 3rd May, 2020)

³⁵ *Discussion Paper- National Strategy for Artificial Intelligence*, Niti Ayog, (June, 2018) , https://niti.gov.in/writereaddata/files/document_publication/NationalStrategy-for-AI-Discussion-Paper.pdf (Last visited on 3rd May, 2020)

damages, regardless of the fault, could be a solution to be explored. Because privacy is a fundamental right, such laws should be formulated as part of the Personal Data Protection Act, 2018, to govern the use of data held by an AI agency”³⁶.

According to OECD data Analysis which says” Traffic accidents in India result in approximately 400 deaths a day, 90% of which are caused by preventable human errors. By smart alerts and protective and defensive measures, autonomous vehicles based on AI can significantly reduce this. Patients often die as a result of qualified physicians being unavailable.

ARTIFICIAL INTELLIGENCE: A HELP TO LEGAL INDUSTRY

Artificial Intelligence has a great scope for the Indian Legal Sector and a Combination of artificial intelligence and law will witness immense growth soon³⁷. Currently, there are many fields in which artificial intelligence in law is proving to be useful and these are as follow: -

1. *Due Diligence* – To review a contract, or conducting legal research functions to due diligence, AI legal software are proving to be helpful and time-effective.³⁸
2. *Legal Analytics* – Artificial Intelligence provides data points from past case laws and provides judgments and precedents law to be used by lawyers in their present cases.³⁹
3. *Automation of Documentation* –Just submitting the required documents which you wish to incorporate in your legal document get your documents ready within minutes.⁴⁰
4. *Intellectual Property* – Tools of Artificial Intelligence helps in providing insights into the IP portfolios i.e. search and registration of a trademark, Patent, Copyrights, etc.⁴¹

ARTIFICIAL INTELLIGENCE IS THE REPLACEMENT OF A LAWYER OR NOT??

These days there have been a major concerning question among lawyers in the legal industry is that they feel the introduction of AI in the legal sector would replace the lawyer and legal analyst as the AI-based platforms would increase the efficiency and productivity of firms and lawyers.

The introduction of AI has brought many solutions that had improved the efficiency of lawyers, contract analysis, trademark software and much more. However, the objective of the AI platforms in the legal sectors was not to take a lawyer’s job. The legal profession is mainly focused on analysis, decision making, and

³⁶Supra Note. 35

³⁷Mirza Aslam Beg, *Impact of Artificial Intelligence on Indian Legal System*, Legal Service India

<http://www.legalserviceindia.com/legal/article-631-impact-of-artificial-intelligence-on-indian-legal-system.html> (Last visited on 3rd May, 2020)

³⁸Supra Note. 53

³⁹Supra Note. 53

⁴⁰Supra Note. 53

⁴¹Supra Note. 53

representation which cannot be automated. Lawyers and firms should use the AI platform as helpful as this gives them a better result, with less wastage of time and money for themselves and their clients. The legal industry is developing at a faster rate in India and there are many things more to come in the AI platforms which will be the boon for the legal industry and help in developing the legal sector. In fact, AI-based programs will make the professionals more productive, efficient, better, more accurate and output focused.

RULE OF LAW IN INDIA

According to a report published by the Brookings Institution, the Indian AI industry “has seen growth in this period [2012–2017], with a total of \$150 million invested in more than 400 companies over the past five years. Most of these investments have come in the last two years when investment nearly doubled from \$44 million in 2016 to \$77 million in 2017.”⁴² India currently has no laws or government-issued guidelines regulating AI. Instead, the government developed several national strategies or road maps related to AI in 2018.⁴³ Though India is making fast progress regarding technology, scientists are yet to discover the full potential and utilization of this technology. Some independent bodies exist with an aim to research and create machinery underlying the thought of intelligent behavior. One such organization is the Artificial Intelligence Association of India (AIAI). The Centre for Artificial Intelligence and Robotics, which is a branch of DRDO, has developed the Network Traffic Analysis Software (NETRA). This software has capabilities to intercept and analyze internet traffic via specified filters.

CONCLUSION

AI has created new forms of oppression and in many cases disproportionately affects the most powerless and vulnerable. The concept of human rights addresses power differentials and provides individuals, and the organizations that represent them, with the language and procedure to contest the actions of more powerful actors, such as states and cooperation.

The role of AI in facilitating discrimination is a well-documented and is one of the key issues in the ethics debate today. To recognize these issues, many have partnered with human rights organizations and AI companies to release “The Toronto Declaration” in March 2018. However, the right to non-discrimination is not the only human right implicated by AI, because human rights are interdependent and interrelated, AI affects nearly every internationally recognized human right.

⁴² Shamika Ravi & Puneeth Nagaraj, Harnessing the Future of AI in India, BROOKINGS (Oct. 18, 2018), <https://www.brookings.edu/research/harnessing-the-future-of-ai-in-india/> (Last visited on 3rd May, 2020)

⁴³ Amber Sinha et al., AI in India: A Policy Agenda, THE CENTRE FOR INTERNET AND SOCIETY (CIS) (Sept. 5, 2018), <https://cis-india.org/internet-governance/blog/ai-in-india-a-policy-agenda> (Last visited on 3rd May, 2020)

