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A brief study of Legal Advantages and Disadvantages of Artificial Intelligence in Legal Services in Contemporary World with special reference to India

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ABSTRACT

Artificial Intelligence has a huge impact in all the developed and even developing nations. In every field, its use has been increasing day by day. In legal area, its use hasn't been accepted in large number like other work field. In view of the current use of Artificial Intelligence, it can be easily said that very soon it will be accepted widely. Efficiency, time saving, cost saving, automatic repetitive task, reducing risks, accurate legal searching and findings are some its advantages. Through Artificial Intelligence, legal research can be improved, paper work duty can be solved and proper data can be received. Though Artificial Intelligence has both advantages and disadvantages of its own, Artificial Intelligence should be used very carefully. Legal practitioners and judges should be aware of its use. Law firms are more open minded in its acceptance so that their human labour can be reduced, time can be saved and most importantly money can be saved. In India, its acceptance by all lawyers and law students will take some more time. In the field of Artificial Intelligence, the most relevant legislation operating AI systems is Information Technology Act, 2000. But India needs a comprehensive legislating which will be dealing with AI. Lack of statutes governing in this area, lack of guidelines by government, issues relating to Intellectual Property Rights creates hindrance in proper working of Artificial Intelligence even in the area of legal services.

Keywords: Artificial Intelligence, Legal Services, Law firms, Advocate.

I. INTRODUCTION

In this digital age, a new innovative approach has been created with the help of human intelligence and initiative associated with today's technology. This has given the birth of Artificial Intelligence which is being used in various sectors.[2] Artificial Intelligence is one of

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[2] Mahak Jain and Arshita Sharma, *Untangling The Mysteries Of AI-Generated Content And Copyright,* LIVE LAW (Dec. 5, 2023, 02:35 PM), https://www.livelaw.in/articles/untangling-the-mysteries-of-ai-generated-content-and-copyright-243749

the most emerging topics of discussion in our 21st century. Being the simulation of human intelligence processes, it occupies an important role in many important sectors of country. Since the definite meaning of Artificial Intelligence is still in vague condition, its scope is wide. Normally, it means an alternative system which apprehends human behavior and does their work through computer programs. There are three types of Artificial Intelligence. First one is called as artificial super intelligence which means that computer programs can replace the intellectual level of human being, scientific ideas their ideas, way of social skills and other knowledge. The other two types of Artificial Intelligence are artificial general intelligence and artificial narrow intelligence.[3]

II. ARTIFICIAL INTELLIGENCE IN THE FIELD OF LEGAL SERVICES

The evolution of Artificial Intelligence in the field of legal professions saves time and cost and most importantly gives opportunities to the lawyers to focus deeply on the strategic work which should be done by the skilled advocates only. Through Artificial Intelligence, time taking tasks such as contract drafting, contract review, case analysis, searching of relevant cases for reference, data analysis can be done quickly since these tasks come under the purview of routine tasks. Since, law firms won't need a lot numbers of law clerks and law practitioners, cost will be reduced and law professionals can focus on productive work.

Besides law firms and individual law practitioners, even Supreme Court of India has started using Artificial Intelligence tools which has been made in order to access information and process them for the purpose of making those things available to the judges so that they can give decisions keeping in mind all the information received.

For example, one Artificial Intelligence tool which is being used recently by the Supreme Court of India is SUVAS, i.e. Supreme Court Vidhik Anuvaad Software. This tool helps to translates sentences of any legal documents from one language to another language. Suppose a legal document is in vernacular language. Now this Artificial Intelligence will translate that vernacular language to English language.[4]

Not only Indian Judiciary but American Judiciary and other Judiciary of developed nations also use Artificial Intelligence tools. For example, COMPAS, i.e. Correctional Offender Management Profiling for Alternative Solutions, helps judges to determine crucial factors such

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[3] Vidushi Marda, *Artificial Intelligence Policy in India: A framework for engaging the limits of data-driven decision-making*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3240384

[4] Aditi Prabhu, *Artificial intelligence in the context of the Indian legal profession and judicial system,* BAR AND BENCH (Aug. 12, 2023, 01:01 PM), https://www.barandbench.com/columns/artificial-intelligence-in-context-of-legal-profession-and-indian-judicial-system

as criminal background of any offender, social and economic conditions and their mental health.[5]

Recently, single bench of Justice P V Kunhikrishnan of the Kerala High Court opined that using of cameras through Artificial Intelligence for the purpose of detection of road violations shouldn't be discouraged merely because there are instances of corruption cases in the proper implementation of using Artificial Intelligence in road traffic management.[6]

In another case, the Calcutta High Court ordered to distribute 'Dragon Legal Speech Recognition Software' which will assist the judicial officers to complete their work in absence of clerical stuffs. This announcement has been directed to distribute the abovementioned Artificial Intelligence tools to the judicial officers of West Bengal and Andaman and Nicobar Islands.[7]

III. LAWS GOVERNING ARTIFICIAL INTELLIGENCE IN INDIA

Currently, India doesn't have any particular statute governing in the field of Artificial Intelligence. It is possible that after thorough scrutiny of various aspects of Artificial Intelligence, it may pass particular Act. In absence of such statute, the Information Technology Act, 2000 plays a pivotal role in respect of electronic transactions. Though this Act doesn't explicitly mention about Artificial Intelligence, some provisions are applicable in this situation.

Besides the electronic transactions and breach of privacy through electronic systems governed by the Information Technology Act, 2000, another legal aspect which became a serious concern is AI generated content. Question arises whether AI-generated music comes under the protection of the Indian Copyright Act, 1957. This Act aims to protect original literary, artistic, musical and dramatic works created and produced by original creators. Therefore, the issues of ownership of copyright related to AI generated content needs to be addressed and solved.

Basically, human beings are given the credit for creating innovative useful work due to their inherit intelligence. For this reason, intellectual property laws all over the world protect original work created by human beings. But now the traditional concept of content creating has been changed drastically. Now the question arises whether any software which has been associated

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[5] *Id.*

[6] Rajiv Sharma and Ninad Mittal, *Use of AI Cameras For Detecting Road Violations Cannot be Discouraged Due to Corruption Allegations: Kerala High Court,* LIVE LAW (Jun. 23, 2023, 8:36 GMT), https://www.livelaw.in/high-court/kerala-high-court/kerala-high-court-ai-cameras-traffic-rules-violations-road-safety-corruption-231173

[7] Srinjoy Das, *Calcutta High Court Distributes 'Dragon Legal Speech Recognition Software' To Judicial Officers of WB & Andaman and Nicobar Islands,* LIVE LAW (Dec. 15, 2023), https://www.livelaw.in/high-court/calcutta-high-court/calcutta-high-court-dragon-legal-speech-recognition-software-distribution-judicial-officers-west-bengal-andaman-244641

with far more intelligence and creates any superior work should be protected or its creator will get the authorship of the work.[8]

In the year of 2011, the Delhi High Court observed that elements of human creativity is absent in the music created by Artificial Intelligence. Therefore, those contents will not be protected under the copyright law.[9]

IV. ADVANTAGES AND DISADVANTAGES OF ARTIFICIAL INTELLIGENCE IN THE FIELD OF LEGAL SERVICE

In contemporary world, Artificial Intelligence creates a huge impact in almost every possible sector. In this regard, law profession is not an exception. Where technology is developing itself each and every day, it's almost impossible to live without it. In legal profession, law firms are welcoming new technologies even artificial intelligence into their day to day activity. In developing nations such as United States of America, Canada etc. Have already accepted the use of Artificial Intelligence in legal services because of the benefits of this system. But every system has its own advantages and disadvantages. Certain advantages and disadvantages have been discussed below:-

(A) Advantages of Artificial Intelligence

- **Benefits of Automation**

Since Artificial Intelligence has the capacity of doing automatic repetitive work, persons involved in legal professions can use Artificial Intelligence in their daily life. They can save their valuable time in time of researching law judgments, contract drafting etc. through using Artificial Intelligence method. Therefore, law professionals can be more diligent in respect to other works such Client counseling and presenting their case before court of law.

- **Removing doubts and maintaining accuracy**

Artificial Intelligence can remove any legal mistakes happened in any legal documents and correct it. Before making any analysis by human being, Artificial Intelligence can do that within a short span of time. Regarding client counseling also, Artificial Intelligence holds a strong beneficial position. In legal research, it takes less time and make less mistake in comparison to human errors.

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[8] Rajiv Sharma and Ninad Mittal, *Artificial Intelligence Lacks Personhood To Become The Author Of An Intellectual Property,* LIVE LAW (Sep. 22, 2023, 11:33 AM), https://www.livelaw.in/law-firms/law-firm-articles-/artificial-intelligence-intellectual-property-indian-copyright-act-singhania-co-llp-238401

[9] Gramophone Company of India Ltd. v. Super Cassettes Industries Ltd., 2010 SCC Online Del 4743.

- **Reduction of human labour**

By using Artificial Intelligence, work has been done automatically in law firm through algorithm methods. Therefore, law firms don't have to hire lots of professional and by doing this, their expenses will be reduced.

- **Securing Confidential data**

Since law firms have to maintain and keep their client's private information as confidential, various new technologies strengthen the privacy of their information in a much better way. Breach of privacy is a serious concern nowadays. In order to keep the faith of clients, Artificial Intelligence brings more effective technology to keep the data as confidential. In this aspect, Section 43A of the Information Technology Act, 2000 is important since it provides provision for seeking compensation if one's data privacy has been breached due to negligently using personal information. Since Right to Privacy has been declared as a fundamental right under the purview of Article 21 of the Constitution of India[10], it is very necessary to protect sensitive personal data in this 21st century.

(B) Disadvantages of Artificial Intelligence

- **Lack of Ethics, Moral Considerations and Professional Judgment**

Artificial Intelligence shouldn't be viewed as a tool to replace legal professionals. Law professionals possess the quality of determining any ethical and moral grounds or view in every case. The skill of professional judgment is exclusively within the domain of a law professional, i.e. a human being. Therefore, it is the duty of legal professionals to have control over computer systems so that the elements of moral and ethics still are present.

- **Huge Money Investment at the Primary Level**

For the purpose of installing high technology, Artificial Intelligence tools, Computer programs, every law firms needs money at the initial level. Though in long term, Artificial Intelligence tools can help the law firms to grow quickly and will save ample of time.

- **High Costs**

Maintenance of Artificial Intelligence is costly. At the primary level and also after installation, the maintenance cost is high.

- **Creating Unemployment**

Many works of law firms nowadays can easily be done by high technology software. So they

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[10] Justice K.S. Puttaswamy vs. Union of India, (2017) 10 SCC 1.

don't have to hire law interns, law clerks and junior advocates. This creates huge unemployment problem in legal profession.

- **Privacy Risk**

Since many instances of privacy breach has occurred by the innovative technology, the data of clients are also not safe in this digital age.

V. FUTURE OF ARTIFICIAL INTELLIGENCE IN FUTURE

In recent times, productivity of Artificial Intelligence is quite low because of various restrictions including technical and legal restrictions put on the use of Artificial Intelligence generated by computer systems. But in future proper use of Artificial Intelligence can increase the efficiency of work system in many sectors which will reduce the work pressures imposed on workers.[11] Law firms are also part of development plan of Artificial Intelligence system in the near future.

VI. CONCLUSION

Now we can say that Artificial Intelligence has emerged as a crucial thing in legal profession. No doubt in every profession or industry be it banking sector, management authority, IT sector, educational institution, Courts, law firms, Artificial Intelligence has been accepted widely. In law firms, use of Artificial Intelligence has saved time, cost and provided more efficient and accurate result. But in legal profession a balance should be maintained between the use of software programs and ethical grounds since law comes under the purview of social science. Strict application of rigid principles in law profession will create problem. If the law firms can use Artificial Intelligence keeping in mind the advantages and disadvantages of it, then the use of it should be encouraged.

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[11] Nikita Duggal, *Future of AI (Artificial Intelligence): What Lies Ahead?,*SIMPLILEARN (Nov. 6, 2023), https://www.simplilearn.com/future-of-artificial-intelligence-article