

Legal Implications of Artificial Intelligence: Navigating the Future

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Abstract

The rapid advancement of artificial intelligence (AI) technologies offers both transformative benefits and complicated legal concerns as they are integrated into numerous sectors. This work explores the multifaceted legal implications of AI, focusing on how current regulatory frameworks must evolve to address emerging issues. The paper begins by examining the fundamental aspects of AI technology, including machine learning, autonomous systems, and data privacy concerns. It then delves into the legal challenges associated with AI, such as liability for autonomous decisions, intellectual property rights, and ethical considerations in algorithmic decision-making.

By comparing different approaches taken by various jurisdictions, the paper provides insights into the effectiveness and limitations of current regulations. It emphasizes the need for a comprehensive and adaptive regulatory framework that can address the rapid evolution of AI technology while balancing innovation with public safety and ethical considerations. Finally, the paper proposes a set of recommendations for policymakers and legal professionals to create a more robust and future-proof legal environment for AI. These recommendations aim at developing new legal standards specific to AI, enhancing cross-border regulatory cooperation, and fostering interdisciplinary collaboration to address the multifaceted nature of AI-related issues. The paper intends to contribute to the ongoing discussion on how to best manage the legal landscape owing to improvements in technology such as AI.

Keywords: Artificial Intelligence, Intellectual Property Rights, Legal implications, Technology.

Introduction

India, with its rapidly advancing technology sector and large pool of IT professionals, stands at the forefront of the global AI revolution. The country's burgeoning interest in artificial intelligence (AI) has led to significant investments in research, development, and application across various industries. Artificial Intelligence (AI) is transforming virtually every sector of society, from healthcare and finance to transportation and entertainment. As AI systems become increasingly sophisticated, the legal landscape surrounding their use is evolving rapidly. However, as AI technologies evolve, they pose new challenges and opportunities for the legal system. The integration of AI into daily life and business operations raises numerous legal questions and challenges that society must address. This article delves into the various legal implications of AI, exploring issues related to liability, privacy, intellectual property, discrimination, and regulatory frameworks. It aims to provide a comprehensive overview of how legal systems are adapting to the rise of AI and what future developments might look like.

Meaning of AI

AI is the term used to describe how a system or machine may mimic human intelligence. AI seeks to create a system that is capable of human-like perception, reasoning, learning, planning, prediction, and other cognitive processes¹. One of the key differences between humans and other animals is intelligence. As industrial revolutions continue to occur, human labor from all walks of life is steadily replaced by a growing variety of machine kinds. Since a large number of scientists are concentrating on AI, the field's research is extensive and varied. In simple terms, human minds are extraordinary machines that can learn new things, process billions of pieces of information each second, solve puzzles, apply logic, and much more. In AI this intelligence is simulated by machines. After being given information, they are taught to behave like humans. A machine is considered intelligent when it is able to act independently and rationalize those actions at the same time.

Concept of Machine Learning

Machine learning, or ML for short, is a branch of artificial intelligence (AI) that focuses on creating computer algorithms that learn automatically from data and experience. Put more simply, machine learning allows computers to learn from data and develop predictions or judgments without the need for explicit programming. Fundamentally, machine learning is all about developing and applying algorithms that help with these choices and forecasts. As they handle more data, these algorithms are built to perform better over time, becoming more precise and efficient.

In classical programming, a computer carries out a task by following a predetermined set of instructions. In machine learning, on the other hand, the computer is given a task to do along with a set of examples (data), and its job is to determine how to complete the task based on the examples provided. For example, we don't provide a computer explicit instruction on what a cat looks like if we want it to recognize photographs of cats. Rather, we feed the machine learning

system thousands of cat photos, allowing it to identify the typical traits and patterns that characterize a cat. The program learns to identify cats over time by processing an increasing number of photos, even ones it has never seen before.

Machine learning vs AI vs deep learning

Artificial intelligence and deep learning are sometimes mistaken with machine learning. Let's examine the differences between these terminologies. The creation of intelligent software via the use of algorithms that imitate human intellect is referred to as artificial intelligence (AI). To achieve optimum efficiency, the field concentrates on three skills: learning, reasoning, and self-correction. Artificial Intelligence (AI) encompasses both explicitly coded computer programmes and machine learning-based programmes.ⁱⁱ

A form of artificial intelligence called machine learning creates predictions through algorithms that learn from data. These forecasts can be produced by computers using unsupervised learning, which finds broad patterns in data, or supervised learning, which identifies patterns from already-existing data. Machine learning models are capable of classifying events as true or false, clustering data points based on commonalities, and predicting numerical values based on historical data. Conversely, deep learning is a branch of machine learning that works using algorithms primarily based on multi-layered artificial neural networks (ANN) that draw inspiration from the architecture of the human brain. Deep learning algorithms are different from traditional machine learning algorithms in that they are more complicated, hierarchical, and less linear and can yield extremely accurate results. Deep learning applications include things like picture identification, tailored medication, and language translation.

Issues and Challenges concerning AI

These days, there are a number of legal ramifications arising from the growing use of cutting-edge technology in diverse fields and even in day-to-day life such as, machine learning (ML) and artificial intelligence (AI). There is no specific law concerning AI however, existing laws attempt to regulate the intricate interactions that occur between established legal principles and technological advancements. The main cause of these problems is that AI systems, particularly those built on generative technology, are capable of doing jobs like editing, creating images, writing, and other things that were previously only done by humans.ⁱⁱⁱ A vast array of legal areas, including contract law, tort law, intellectual property law, and privacy law, are talked about when law concerning AI is considered. This growing interaction with AI is posing new challenges to the legal systems of the countries across the globe. Some of these issues are discussed as follows-

Liability and Accountability

Determining liability for AI-driven decisions and actions is a complex issue. In cases where AI systems cause harm or legal infractions, establishing accountability can be challenging. One of the foremost legal concerns with AI is determining liability when something goes wrong. Traditional legal frameworks are often ill-equipped to handle the nuances of AI-driven actions. For instance, if an autonomous vehicle is involved in an accident, who is responsible? The vehicle's manufacturer, the software developer, or the vehicle owner?^{iv} Similarly, if an AI system involved in financial transactions leads to losses due to errors or fraud, the question arises as to whether liability rests with the developer, user, or the AI system itself.^v

Product Liability

In the context of AI, product liability laws must adapt to address issues specific to autonomous systems. Traditionally, product liability laws are based on the premise that a manufacturer is responsible for defects in their products. However, AI systems, especially those involving machine learning, can evolve and change their behaviour over time, complicating the concept of a defect.

For example, if an AI-driven medical diagnostic tool provides incorrect recommendations, leading to patient harm, determining liability may involve multiple parties, including the software developers, data providers, and healthcare providers. Product liability frameworks must evolve to address the dynamic nature of AI systems and ensure that accountability mechanisms are in place.

Negligence and Fault

Another aspect of liability involves negligence and fault. If an AI system makes a decision based on flawed data or an erroneous algorithm, determining fault can be challenging. Courts will need to assess whether the AI system was operated with reasonable care and whether the designers and operators adhered to industry standards.

Liability in case of AI as an Autonomous Entity

As AI systems become more autonomous, the question of whether AI entities can be held legally accountable is emerging. Some propose that advanced AI systems should be granted a form of legal personality to address liability issues directly. However, this concept remains controversial and untested in most jurisdictions.

Privacy and Data Protection

AI systems often rely on vast amounts of data to function effectively, raising significant privacy and data protection concerns. Ensuring compliance with data protection regulations and addressing potential privacy breaches are critical

challenges. The collection, storage, and analysis of personal data by AI systems can lead to privacy infringements if not managed properly.

Data Collection and Consent

AI systems frequently collect personal data to train algorithms and improve their performance. The General Data Protection Regulation (GDPR) in the European Union sets stringent requirements for data collection and processing, including obtaining explicit consent from individuals. Companies deploying AI must ensure compliance with such regulations and address the challenges associated with data subject rights, such as the right to be forgotten.

Data Security

The security of personal data is another critical issue. AI systems can be vulnerable to cyber-attacks, leading to data breaches that compromise individuals' privacy. Legal frameworks must address the obligations of organizations to protect data from unauthorized access and ensure that they implement robust security measures.

Algorithmic Transparency

Transparency in how AI systems use personal data is essential for maintaining trust. Regulations may require companies to disclose how data is used, the purposes for which it is collected, and how long it is retained. Ensuring transparency can help individuals make informed decisions about sharing their data and hold organizations accountable for misuse.

Concerns relating to Intellectual Property Rights

The rise of AI has significant implications for intellectual property (IP) law. As AI systems create new inventions, artworks, and innovations, questions arise about ownership and protection of intellectual property rights. Traditionally, IP laws are designed to protect creations made by human authors. However, AI systems can now generate creative works, such as music, art, and literature. This raises questions about who should be recognized as the creator or owner of AI-generated works. Some argue that the creator of the AI should hold the IP rights, while others suggest that new legal categories may be needed to address AI-generated creations^{vi}.

Patent Law

In the realm of patents, AI presents both opportunities and challenges. AI systems can potentially develop new inventions or improve existing technologies. Determining the inventorship of AI-driven innovations is a complex issue, as current patent laws require a human inventor. There is ongoing debate about whether AI systems should be recognized as inventors or if the human creators and operators should be credited.

Trade Secrets

AI systems can also involve proprietary algorithms and data that companies may wish to protect as trade secrets. Ensuring the protection of trade secrets in the context of AI involves safeguarding sensitive information from unauthorized access and reverse engineering. Legal frameworks must evolve to address the unique challenges posed by AI technologies in maintaining trade secret protection.

Discrimination and Bias

AI systems are designed to make decisions based on data, but if the data used to train these systems is biased, the AI can perpetuate and even exacerbate discrimination. Addressing bias and ensuring fairness in AI systems is a critical legal concern. Legal frameworks may need to incorporate measures to detect, prevent, and rectify bias in AI systems.

Algorithmic Bias

Algorithmic bias occurs when an AI system produces discriminatory outcomes based on biased training data or flawed algorithms. For example, AI-driven hiring tools might inadvertently favour certain demographic groups over others if the training data reflects historical biases. Legal frameworks must address the issue of bias in AI and ensure that organizations implement measures to detect and mitigate discrimination. Ensuring compliance with the laws involves examining how AI systems impact protected characteristics, such as race, gender, and disability. Legal systems will need to develop standards for evaluating and addressing discriminatory impacts of AI technologies.

To promote accountability, some propose that AI systems be subject to audits and assessments to evaluate their fairness and compliance with anti-discrimination laws. Legal frameworks could require organizations to conduct regular audits and implement corrective measures if biases are detected.

Regulation and Governance

As AI technology advances, there is growing recognition of the need for comprehensive regulation and governance to manage its risks and benefits. Governments and international organizations need to develop frameworks to address the legal challenges associated with AI.

Existing Regulatory Approaches

Various countries are taking steps to regulate AI. The European Union has proposed the AI Act, which aims to create a risk-based regulatory framework for AI systems. The Act categorizes AI applications into different risk levels and imposes varying requirements based on the risk associated with each category. This approach seeks to balance innovation with the need to protect fundamental rights.

Global Coordination

Given the global nature of AI technology, international coordination is essential to create consistent regulatory standards. Organizations like the OECD and the UN are working on establishing global principles and guidelines for AI governance.^{vii} Harmonizing regulations across jurisdictions can help avoid regulatory fragmentation and ensure that AI technologies are developed and deployed responsibly.

Ethical Considerations

In addition to legal and regulatory frameworks, ethical considerations play a crucial role in AI governance. Developing ethical guidelines and principles for AI can help ensure that technologies are used in ways that align with societal values and respect human rights. Ethical frameworks can complement legal regulations by addressing issues that may not be fully covered by existing laws.

Current Indian Legal Framework

India's legal system, derived from a mix of common law and statutory laws, faces several challenges in addressing the unique issues posed by AI. Although there is no specific AI legislation, existing laws cover various aspects relevant to AI technologies.

1. Information Technology Act, 2000

The Information Technology Act (IT Act), 2000, is a primary legal framework addressing electronic transactions and cybercrimes in India. While it does not specifically mention AI, it has provisions that impact AI-related activities:

Cybercrimes and Security: The IT Act addresses issues like unauthorized access, data theft, and cyber fraud, which are relevant to AI systems. For instance, if an AI system is compromised and used for malicious purposes, existing provisions under the IT Act may apply.

Let's take example of Deepfakes generated using AI technologies. Artificial intelligence (AI) is used to edit and modify digital media, such as audio, video, and photographs, to create deepfakes. They have the ability to be exploited to manufacture evidence, harm reputations, and erode confidence in democratic institutions since they use hyper-realistic digital falsification.

India does not currently have any legislation or regulations that address deepfake content. The closest are found in Sections 66D and 66E of the Information Technology Act, 2000 ("IT Act"), which punishes those who impersonate others in order to cheat and/or publish or transmit photos of private areas without consent in an electronic format, along with a fine. Aside from this, publishing or transmitting pornographic or sexually explicit content is prohibited and punishable under Sections 67, 67A, and 67B of the IT Act. These measures, however, fall short of solving the issue as they do not completely address the problem and there exist lacunas in such provisions, which is how to recognize and stop the spread of harmful deepfake content. Presently, no particular law or provision is there which can completely regulate such newly emerging challenges. Even courts are also trying to provide for some kind of measures to prevent the misuse of deepfakes, recognising privacy rights of individuals and provide some kind of remedy.

Electronic Records and Signatures: The Act provides legal recognition to electronic records and signatures, which can facilitate the use of AI in digital transactions and documentation.

2. Data Protection Laws

The absence of a comprehensive data protection law has been a significant gap in India's legal landscape. However, this gap is sought to be reduced by the Digital Personal Data Protection Act, 2023. It aims to address data privacy and protection comprehensively. Key aspects relevant to AI include:

Data Collection and Consent: The DPDPA mandates explicit consent for collecting personal data, which impacts how AI systems handle and process data.

Data Protection Rights: The Act also grants individuals rights over their data, such as the right to access, correct, and delete their information. AI systems that process personal data must comply with these rights.

3. Intellectual Property Laws

AI's role in generating innovations and creative works complicates traditional IP laws. Issues such as AI authorship, patentability of AI-driven inventions, and protection of proprietary algorithms require careful consideration. The legal community will need to explore new approaches to IP protection in the context of AI.

Indian IP laws, including the **Copyright Act, 1957**, **Patents Act, 1970**, and **Trade Marks Act, 1999**, are relevant to AI in the following ways:

Copyright: AI-generated works raise questions about authorship and ownership. Traditional copyright laws attribute rights to human authors, but AI's role in creating works may necessitate new legal interpretations.

Patents: AI technologies can lead to innovations eligible for patent protection. However, patenting AI-related inventions involves complexities around the nature of the invention and its inventorship.

Trade Secrets: Companies developing AI systems often rely on trade secrets to protect proprietary algorithms and data. Indian laws on trade secrets are less codified compared to other jurisdictions, potentially leading to challenges in enforcement.

Regulatory and Policy Initiatives

Recognizing the transformative potential of AI, the Indian government has undertaken several initiatives to create a conducive environment for AI development while addressing legal and ethical concerns.

National Strategy for Artificial Intelligence

In 2018, the Indian government launched the **National Strategy for Artificial Intelligence** under the NITI Aayog. The strategy outlines the vision for AI in India, focusing on sectors like healthcare, agriculture, education, and smart cities. It emphasizes the need for regulatory frameworks that balance innovation with ethical considerations.

AI Ethics and Governance

AI ethics and governance are emerging areas of focus. The **AI Task Force**, constituted by NITI Aayog, is working on frameworks to ensure that AI development aligns with ethical standards and societal values. These frameworks may influence future regulations and guidelines addressing issues such as transparency, accountability, and fairness.

Data Protection Framework

The Digital Personal Data Protection Act, 2023 is a significant step towards comprehensive data protection in India. It imposes strict requirements on data processing, impacting how AI systems collect, store, and utilize personal data. The Act's provisions on data localization and cross-border transfers will also have implications for international AI operations involving Indian data.

Artificial Intelligence and Judicial System

The judiciary plays a vital role in the administration of justice in every country. However, the state of the Indian legal system is awful because of the high number of lawsuits being filed there as a result of the nation's vast population, which has put further strain on the system. Millions of cases remain unresolved in all Indian courts, from the lowest to the highest. While steps are being taken to address this issue, such as adopting the use of Alternative Dispute Resolution (ADR) procedures and doing away with unnecessary laws, it is still unclear how to best use the recently discovered field of artificial intelligence to address this issue. The Indian judicial system has a low level of technological adoption; all work is done by hand, which eventually causes the administration of justice to be ineffective and delayed. Thus, to preserve the sustainability of the justice delivery system and restore its efficacy and efficiency, innovative thinking is needed in addition to conventional remedies. Using artificial intelligence in the courtroom can be considered a great way to reduce the backlog of cases and guarantee a quick justice delivery system as AI has immense potential to mechanise and speed up the whole system.

Some of the examples showing the increasing use of AI in Indian Legal System:

The Supreme Court of India has officially released an application **Supreme Court Vidhik Anuvaad Software (SUVAS)** based on artificial intelligence (AI) that allows legal documents and orders written in English to be translated into nine vernacular languages. This is the first step our court has taken in terms of artificial intelligence.^{viii}

The Supreme Court Portal for Court Efficiency Assistance (SUPACE)

The Supreme Court of India introduced it as a tool to help gather pertinent laws and information and provide them or make them available to judges. It will produce results tailored to the particulars of the case and the judge's perspective.^{ix}

The Supreme Court of India's official multilingual mobile application-Our country's top court has developed an app with the National Informatics Centre that will allow citizens to authentically access cases, judgements, significant circulars, display boards, and a multitude of other vital information with just one click.^x

Supreme Court to Implement AI Tool to Generate Summary of Pleadings.^{xi} Acting Chief Justice Manmohan of the Delhi High Court has stated that the National Informatics Centre (NIC)-developed Artificial Intelligence tool, AI Saransh, which is going to be used by the Supreme Court of India's e-committee for summary of pleadings. He stated that artificial intelligence (AI) methods will be used to produce a summary of the parties' pleadings that highlights the points of contention between them.

The general consensus is that AI should be used to increase the effectiveness of ADR and justice delivery procedures, providing deeper insights and reaching previously unachievable levels of precision. When it comes to document analysis, comparison, and summarization, large language models (LLMs) are very effective. They can expedite the review process by handling massive amounts of text quickly.

In conclusion, the use of artificial intelligence (AI) in the legal system is becoming more and more essential in contemporary legal frameworks, especially to address the problem of pending cases. Artificial intelligence has the ability to expedite legal processes, reduce backlogs, and increase overall efficiency. Even though the Indian government has already set up e-courts, its reach still has to be expanded in order to accommodate the volume of cases.

Example of Germany Courts incorporating use of AI:

The simple act of assisting courts in managing the high volume of cases they handle is now one of the most efficient applications of AI in the legal system. German courts have been inundated with an unprecedented volume of cases in recent years, overwhelming the court system and causing proceedings, hearings, and decisions to be postponed. Judges handling these matters at the Stuttgart Higher Regional Court in Frankfurt encountered a backlog of over 10,000 cases.^{xii} Regretfully, there was no technology available to the courts at first to handle the volume of cases. Their labor was primarily repetitious and done by hand. Throughout the proceedings, the judges must examine lengthy electronic pleading files for hours on end. The manuscripts typically vary in length, with some reaching hundreds of pages.

The Ministry of Justice in Baden-Württemberg suggested classifying each case into the several case categories they were managing by utilizing AI with natural language understanding (NLU) and other capabilities. A traceable, transparent system that safeguarded data was required by the courts. IBM® developed OLGA, an AI assistant that might help resolve issues more quickly by providing case categorization and metadata extraction.^{xiii} Judges and clerks can search through thousands of documents more quickly and efficiently with OLGA by using particular search parameters to extract pertinent information from a variety of documents.

Another example, IBM successfully tested an AI system called "Frauke" (Frankfurt Judgment Configurator Electronic) for air passenger rights litigation in collaboration with the Frankfurt District Court in another part of Germany.^{xiv} An estimated 10,000 to 15,000 passenger rights complaints (such as those involving delays) are heard by the Frankfurt District Court each year. The court requested assistance in order to draft the rulings. The judges' work was extremely tedious and repetitious because they had to gather all the necessary information and then draft nearly identical rulings on multiple occasions.

Using pre-written text modules, Frauke expedited the preparation of judgment letters in compliance with the judge's verdict by extracting case-specific data (such as flight number and delay time) from the pleadings in a proof-of-concept last year. Thus, so far, Frauke has been able to drastically cut down on the amount of time needed to process judgments by using this technology.

Conclusion and suggestion

Artificial intelligence presents both opportunities and challenges for India's legal system. As AI technologies continue to evolve, existing laws must adapt, and new regulations may be required to address the unique issues associated with AI. By developing comprehensive legal frameworks, strengthening data protection, addressing liability and accountability, and promoting ethical AI practices, India can navigate the complexities of AI and harness its potential while safeguarding public interests and individual rights. The journey towards an AI-empowered future will require collaborative efforts from policymakers, legal professionals, technologists, and stakeholders to ensure that AI technologies are developed and used responsibly and effectively.

The legal implications of artificial intelligence are vast and multifaceted, encompassing issues related to liability, privacy, intellectual property, discrimination, and regulation. As AI technology continues to advance, the legal landscape must evolve to address the unique challenges and opportunities presented by these systems. By developing adaptive legal frameworks, fostering global coordination, and promoting public engagement, society can harness the benefits of AI while mitigating its risks and ensuring that technological advancements align with fundamental rights and values.

AI's incorporation into society has enormous potential to spur innovation and advancement. But in order to reach its full potential, technical innovation must be carefully balanced with moral and legal issues. We can manage the complex intersection of law and AI while optimizing the advantages and limiting the risks for society as a whole by creating strong regulatory frameworks, encouraging interdisciplinary collaboration, and encouraging responsible AI development. Addressing the legal issues and moral conundrums raised by artificial intelligence is crucial to ensuring that the future we create is both inventive and just as we continue to map out the path of technological advancement.

Artificial intelligence is changing the way the law is practiced, and legal systems need to keep up with these technological developments while preserving the core values of justice and equity. Through the resolution of issues related to prejudice, openness, and responsibility, as well as the acceptance of chances for cooperation and learning, the legal sector can effectively utilize artificial intelligence (AI) to improve legal results, increase access to justice, and preserve the rule of law in the digital era.

The evolving nature of AI may necessitate the development of AI-specific legislation. Such laws could address issues uniquely associated with AI, including liability, transparency, and ethical use. Legislative initiatives should balance fostering innovation with protecting fundamental rights and public interests. As AI technology continues to evolve, the legal implications will likely expand and become more complex. Several future directions can be anticipated in the realm of AI and law.

Legal standards will need to adapt continually to keep pace with technological advancements. As AI systems become more integrated into various aspects of life, legal frameworks will need to address new challenges and scenarios. This may

involve creating new legal categories, refining existing laws, and developing specialized courts or agencies to handle AI-related disputes.

Addressing the legal implications of AI requires interdisciplinary collaboration between legal experts, technologists, ethicists, and policymakers. Interdisciplinary approaches can help ensure that legal frameworks are informed by technical knowledge and ethical considerations. Ethical considerations will play a central role in shaping AI governance. Establishing ethical guidelines and best practices for AI development and deployment can help ensure that technologies are used responsibly and align with societal values. Collaborative efforts can facilitate the development of comprehensive solutions that address the multifaceted challenges of AI.

Public engagement and education are crucial for navigating the future of AI and law. Increasing public awareness about AI's potential impacts and legal implications can help foster informed discussions and shape effective policies. Educational initiatives can also prepare legal professionals and policymakers to address emerging challenges and opportunities in the AI landscape.

AI's global nature necessitates international collaboration to address cross-border issues and harmonize regulations. India should engage in international dialogues and agreements to promote consistent standards and facilitate the responsible use of AI across jurisdictions.

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