

**IMPACT OF ARTIFICIAL INTELLIGENCE ON HUMAN RIGHTS IN INDIA:  
A CRITICAL STUDY**

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**Abstract**

A computer system with artificial intelligence (AI) can carry out activities that typically require human intelligence. These artificial intelligence systems are frequently powered by machine learning, occasionally by deep learning, and occasionally by really dull stuff like rules. This results from learning, which is acquiring the knowledge and guidelines for using the data. It has grown to be quite popular and necessary as a result of data-based service sectors.

The ability of a computer or robot operated by a computer to carry out tasks usually performed by intelligent beings. Massive amounts of labeled training data are ingested by AI systems, which then analyze the data for correlations and patterns before using these patterns to forecast future states.

By analyzing millions of instances, an image recognition tool can learn to recognize and describe items in photographs, just as a chat-bot that is fed examples of text chats can learn to make lifelike interactions with humans. AI has the potential to help societies overcome some of the biggest problems of our day. It also presents a number of threats to the same civilization, though. What are the significant concerns that AI poses to society and how do they affect human rights? This paper is about issues including the effects of artificial intelligence (AI) on the Indian legal system and its challenges.

**Keywords:** Computer, Technology, Artificial Intelligence, Human Rights, Legal System

**Introduction To Artificial Intelligence**

Artificial intelligence will improve our daily lives by helping us remember appointments, suggesting articles and news that we might be interested in, and performing a variety of other

tasks. This technology will have an impact on the entire database industry in the not-too-distant future. AI has the potential to fundamentally alter how people interact with one another in the workplace, other socially significant organizations, and in the digital world. This change could be beneficial or detrimental. To ensure that discussions about AI have a positive impact, all relevant parties must participate.

Technology has a significant impact on people's lives in a variety of ways. Disruptive technology has increased legal accountability and has accelerated the resolution of legal disputes.

Since the COVID-19 outbreak, India has made significant strides toward the establishment of world-class virtual courts. Former Chief Justice of India SA Bobde proposed incorporating artificial intelligence (AI) into the country's judicial system. In his inaugural speech, he expressed his excitement about the launch of the Supreme Court Portal for Court Efficiency Assistance (SUPACE).<sup>1</sup>

According to recent reports, new, cutting-edge technologies such as Machine Learning (ML) and Artificial Intelligence (AI) must be adopted in order to improve the system's effectiveness in delivering justice in phase two of the e-Courts project. This was said in response to a question about the project's second phase execution.

### **Is AI Harmful To The Human Race**

Given that AI can collect and evaluate several data streams in real time it is not unexpected that it is already being used to promote global mass attention. The use of artificial intelligence in face recognition software is the most common and concerning example of AI. Governments are increasingly relying on flawed facial recognition technologies to track their citizens, reinforce group stereotypes, and even identify specific individuals.

Algorithms have been used to produce credit ratings and handle loan screening for a very long time. Despite this, the rise of big data has resulted in the development of credit rating systems that incorporate and analyze non-financial data aspects. These data elements include a person's address, web browsing habits, and shopping preferences. Unlike traditional credit ratings, these algorithms generate e-scores as their output; they are not regulated in any manner. These can be

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<sup>1</sup>Volpp K, Mohta S, Improved engagement leads to better outcomes, but better tools are needed. Insights Report. NEJM Catalyst, 2016.

discriminatory and wrong at times.<sup>2</sup>

AI has given rise to new forms of oppression, which frequently disproportionately hurt the most vulnerable and powerless people. The concept of human rights has provided people the authority to advocate for themselves with the words and mechanisms necessary to challenge the actions of more powerful individuals or entities, such as states and corporations.

A corpus of international law has established human rights, which are internationally relevant and legally enforceable. Although it is anticipated that government will safeguard human rights as an obligation. At the national, international, and regional levels, institutions and organizations provide comprehensive redress mechanisms and explain how human rights law applies to changing conditions, including technological developments.

### **AI And Violation Of Human Rights**

Several international and regional human rights treaties recognize the right to privacy as a fundamental human right, including Article 12 of the “Universal Declaration of Human Rights” and Article 17 of the “International Covenant on Civil and Political Rights”. In addition to the right to life, Article 21 of the Indian Constitution protects the right to privacy. The right to privacy is a fundamental human right that is required for a safe and respected living.

However, significant amounts of our personal data are collected in the digital environment, such as when we use applications and social media sites, and this data may be used to profile and anticipate our behaviour. We share information about our families, political ideas, and health without regard for the audience or prospective applications which could be used in inappropriate ways without our knowledge.<sup>3</sup>

Article 14 of the Indian Constitution guarantees that everyone should be treated equitably. The lack of justice and diversity in the development of AI systems hence cause great worry. Instead of making our decisions more objective, they may provide the appearance of fairness to biased actions. Discriminatory behaviours disproportionately discriminate on the basis of colour gender, disabilities, and sex, according to emerging data.

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<sup>2</sup>DAVENPORT TH, KIRBY J, ONLY HUMANS NEED APPLY: WINNERS AND LOSERS IN THE AGE OF SMART MACHINES (1ST ED., HARPER BOOKS, 2016).

<sup>3</sup>Char DS, Shah NH, Magnus D. Implementing machine learning in health care – addressing ethical challenges, N Engl J Med 378:981–3(2017).

## **AI As A Danger To Employment**

Discrimination based on religion, race, caste, gender, or place of birth is prohibited under Article 15 of the Indian Constitution. This principle applies to all aspects of Indian society. AI's actions result in discrimination against people who are unaware of it. A recent study discovered that people with darker skin have lower accuracy when using pulse oximeters, which measure the amount of oxygen in the blood and are an important tool in COVID-19 clinical management.

Older people may be unable to participate in the research, design, and development of digital innovations due to accessibility issues. Their inability to participate in technology design and development may also be due to the ageist stereotype that older adults are incapable of using technology. As a result, older people's perspectives are rarely considered when developing financial assistance, support programs, artificial intelligence, and policy frameworks.

We can now design and produce vehicles that are aware of their surroundings and can safely navigate on their own or with the assistance of a human driver, when necessary, thanks to advancements in automation and machine learning. Because they are self-driving, they do not require a human operator to move. Artificial intelligence will significantly alter the way electronic commerce operates.<sup>4</sup>

Robots move throughout the area collecting products and taking customer orders; the products are then delivered to customers automatically by self-driving and unmanned aerial vehicles. As a result, network stores and salespeople will be in short supply. Doctors can regularly monitor a patient's health and make necessary decisions about the patient's health when AI-enabled devices are attached to the patient's body or worn by the patient.

As a result, a nurse would not need to check on their patients' health as frequently. Customers can search for properties without using real estate agents by using online services such as 99 acres and magic bricks.

Both Article 23 of the “Universal Declaration of Human Rights” (UDHR) and Article 6 of the “International Covenant on Economic, Social, and Cultural Rights” guarantees the right to work and provide unemployment protection. A new era of unemployment has begun as a result of the

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<sup>4</sup>Patricia A. Norberg, Daniel. R. Horne & David A. Horne, ‘The Privacy Paradox: Personal information disclosure intentions versus behaviours’, *Journal of Consumer Affairs*, 41/1, 100–126 (2007).

displacement of human labour caused by the increased efficiency of services and machinery. Despite the fact that AI's rapid development has increased the effectiveness of equipment and services, revolutionizing both current businesses and people's personal lives, it has also resulted in an increase in unemployment.

### **Consequences Of Such Negative Impacts Of AI On Human Rights**

Many people have already lost their jobs as a result of COVID-19, and the introduction of new AI will exacerbate the situation. Despite the fact that these companies are increasingly invading citizens' lives and violating human rights, they are not regulated or held accountable. Artificial intelligence, it is now abundantly clear, poses a threat to equal protection laws, economic rights, and fundamental liberties because it has the potential to encourage discrimination and engage in intrusive surveillance.

Our societies, which are undergoing a digital transformation, must implement appropriate legal standards to prevent these tendencies. It is critical that AI decision-making processes to be transparent, that tech industry titans be held more accountable, and that civil society is able to object to the adoption of new technologies. Another way to promote "AI literacy" is to fund public awareness and education initiatives that help societies understand the inner workings of AI as well as how it affects our daily lives. This will allow societies to learn the most effective ways to use AI.<sup>5</sup>

### **Present Scenario Of Artificial Intelligence In The Indian Legal System**

An example of artificial intelligence is a computer program or robot that is capable of performing any task that requires human intelligence. It frees up time by removing mundane responsibilities. Because it corresponds to how people think, it allows people to focus more on tasks that computers cannot complete. Computer science requires the same cognitive abilities as men, such as reasoning, comprehension, imagining, communicating, and decision-making. On the one hand, it improves the effectiveness and efficiency of our work, but it could force thousands of people to leave their jobs and increase unemployment.

The law becomes more logical, convenient, useful, practical, or predictable when artificial

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<sup>5</sup>Abhishek Bhalla, Indian Army gets ready for 'swarm' drone attacks : Know all about the aerial warfare tactic, INDIA TODAY.

intelligence and law are combined with computer and mathematical approaches. Using mathematical methods, combining law and artificial intelligence we can now recognize concepts such as contract review and due diligence analysis, detect changes in email tone, and even create a system in which a computer generates the document based on what needs to be written. All of these capabilities are made possible by artificial intelligence.

The Indian legal system is largely manual and the result of centuries of custom. There is no denying that you write on laptops or desktop computers rather than pen and paper, that letters are sent via fax machines, and that you conduct legal research online at sites such as Manu Patra and SCC. However, it is also true that people need time to adjust to new tools. Certain lawyers, however, have the authority to change how law firms and corporations operate. Artificial intelligence is gaining popularity these days. However, because artificial intelligence is still in its early stages, it will take some time for it to be effectively implemented in India.

Without a doubt, the advancement of legal technology has increased legal professionals' responsibilities. This could have a significant impact on how lawyers practice law and how Indians perceive the legal system. For a long time, Law and artificial intelligence-related businesses have been looking for new ways to advance technology in order to improve the efficiency and precision of the legal profession. As a result, ordinary citizens have easy access to the legal system.

The use of AI in India is leading to the development of new techniques for improving work quality. Although computers and robots cannot currently stand in for attorneys in court, they can conduct independent research and write academic papers. It is possible that lawyers will have less influence in the workplace in the future. As artificial intelligence-based technologies for drafting various legal documents are developed, they will become more widely available. India has the longest constitution in the world as well as a comprehensive legal system. A lawyer intends to complete a number of tasks, such as drafting a document and offering his clients a variety of support options. As a result, with the assistance of artificial intelligence, the required work will be completed in a matter of seconds.<sup>6</sup>

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<sup>6</sup>McCarthy, John, "What Is AI? / Basic Questions", JMC.STANFORD.EDU. (2015), <http://jmc.stanford.edu/artificialintelligence/what-isai/index.html>.

The cost and time involved in conducting legal research reduce the overall profit of the business. As a result, because the research process only takes a few seconds, artificial intelligence can be used to rebalance the legal system. It allows attorneys to spend more time on actual work while also speeding up the drafting process. It facilitates research and due diligence for attorneys by providing additional information and analytical shortcuts. Artificial intelligence applications are also used by professionals in a variety of legal industry subfields. In addition, we can see how technology has enabled the development of multifunctional devices in response to the epidemic. This is because technology has made life better, faster, easier, and more interesting all at the same time. We cannot afford to ignore such an important tool in today's society. Because, in an ever-changing world, life without technology is meaningless.

### **Legal problems that AI can solve in India**

Experts believe that technological advancement will not only assist lawyers in dealing with the issue of significant pending litigation, but will also make it easier for them to conduct effective legal research in a timely manner. This directly benefits attorneys who use AI software by giving them more time to assist clients and handle difficult cases and issues.

AI may be able to help parties and courts decide which cases to pursue, which cases to try to settle amicably if at all possible, and which cases to dismiss entirely. Most artificial intelligence programs can keep track of current work, allowing businesses and attorneys to generate invoices for work that has already been completed.<sup>7</sup> Clients, auditing agencies, and law firms or legal practices all benefit from increased work transparency.

According to a study published in the journal Lexology, artificial intelligence systems can quickly solve more complex problems. It can help attorneys focus on the most important cases without the use of paper documents or online search engines. This is possible thanks to the system. Given the time and effort required to complete these more traditional processes, implementing AI software that can quickly locate relevant cases and statutes would be more practical. This is due to the fact that traditional methods take longer to complete.

According to the same report, after being "trained" on a large historical body of precedents, the program may be able to "highlight" relevant areas in specific contracts. The development of

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<sup>7</sup> y Sonia K. Katyal, Private Accountability in the Age of Artificial Intelligence, 66 UCLA L. REV. 54 (2017)

"judgment analytics" will be enabled by the analysis of thousands of prior events.

## **Legal Challenges**

- **Copyright law and AI**

Given that AI is already capable of producing artwork and musical compositions, the question of whether intellectual property law, often known as copyright, should be applied to works created by entering the relevant codes into the system. Given that AI is redefining intellectual property law, how should AI see intellectual property laws? What happens if artificial intelligence is used to create software? To be deemed a legal person, an entity must be able to sue and be sued, as well as should hold property. Non-human creatures may also be deemed as legal personalities under Indian law. Corporations, companies and other legal entities are examples of non-human entities. Until now, however, copyright has only been granted to natural or legal people, and any machine or tool used in the creation of original work has only been considered a tool. As a result, no machines or tools have been granted copyright to the software's name. Machine learning has increased the amount of labour that AI can produce today. The question of whether artificial intelligence-generated works should be protected by intellectual property law is presently being debated. The gap between copyright law and A.I. registration in copyright law has several consequences, including the possibility of less value new works being produced.

- **Contract and AI**

Another issue to be concerned about is the possibility of an AI fulfilling and being bound by contractual obligations. In India, one must be a "legal person" to engage in an enforceable contract. It has recently been recognized that artificial intelligence does not match the criteria for being accepted as a real human. As a result, a freely performed contract by an AI may not be recognized as enforceable in India.

- **Legal Rights and Duties**

Is it possible for artificial intelligence to obtain legal identity? Can locustadi exist in artificial intelligence? Artificial intelligence can only be given legal personality if it can acquire legal rights and obligations. Artificial intelligence is granted legal identity by the application of a paradigm based on the legal concept designed for businesses. In this sense, there are distinctions



between enterprises and AI.<sup>8</sup> Contrary to the popular belief that artificial intelligence is completely autonomous, organizations appear to be immune to the influence of those with a vested interest in their operations. No laws now recognize artificial intelligence as a legal person.

- **Nature of liability**

What if an autonomous vehicle got involved in an accident? Who is responsible for any injuries, property damage, or fatalities caused by an autonomous vehicle accident? Furthermore, driverless vehicles create complex legal issues such as liability insurance policies. Can artificial intelligence be held accountable for tortious, unlawful, or criminal behavior? This obligation may be civil, criminal, or both. One of the most serious legal difficulties that will emerge with the emergence of artificial intelligence will be the question of how accountability should be allocated. The second question is whether we should apply the “principle of strict liability with some exclusions” from the *ReylandFlecher case of 1879*<sup>9</sup> or the “principle of absolute culpability without exception” from the *MC Mehta case of 1982*<sup>10</sup> depending on who is accountable for the harm caused by AI.

### **Suggestions**

- **Effective and strong Contract drafting**

Despite the fact that artificial intelligence (AI) technology is still in its infancy in India, private enterprises would benefit greatly from its advancement. Contracts between the AI user and the AI developer are required to allocate culpability in the absence of a regularity framework. The duties, responsibilities, and obligations of the parties must be clearly outlined in the contract. When considering the terms of a contract, the parties should at the very least ensure that the scope of the services that will be supplied, the warranties that will apply to the AI technology, and the scope of liabilities are all properly defined including any limitations or exclusions.

- **Two-layered protection model**

More than twenty countries, including India, have published AI discussion papers since 2017. However, no country has yet approved legislation specifically aimed at limiting the broad usage

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<sup>8</sup>10 Major Pros & Cons of Unmanned Aerial Vehicle Drones, Equinox Drones, <https://www.equinoxsdrones.com/blog/10-major-pros-cons-of-unmanned-aerial-vehicle-uav-drones>.

<sup>9</sup>Rylands v Fletcher, (1868) LR 3 HL 330.

<sup>10</sup>M.C. Mehta And Anr vs Union Of India &Ors, 1987 SCR (1) 819

of AI. If India is to be at the vanguard of this shift, the legislative branch must work to close regulatory gaps and provide clarity in this area. Even though artificial intelligence (AI) is rapidly evolving, not all of the opportunities and challenges it brings are generally understood. As a result, establishing a two-tier security plan is critical. The first layer should consist of technology regulators, while the second layer should consist of rules to govern and make AI accountable for its actions and mistakes.

The solution is not to impede innovation; rather, we must come up with new ideas on how to keep people motivated in a world where artificial intelligence can perform most tasks more effectively than humans.

In the absence of a legal framework, stakeholders should seek to adopt safeguards to prevent unanticipated repercussions and liabilities from emerging during the use and implementation of artificial intelligence technology as a temporary remedy. They should be protected from liabilities and circumstances that were not anticipated by these procedures. A single mistake during the contracting process could result in huge financial loss.

- **Effective IT Law**

Who is liable in the event of a framework infringement, considering that India's data protection policy is woefully inadequate in comparison to the rate of development in artificial intelligence? without any human interaction. The only piece of legislation that even “touches” on this subject is the Information Technology Act of 2000. In general, it is undeniable that Sections 43A and 72 of the Act provide specific safeguards for data and privacy protection, but it is also undeniable that these safeguards fall far short of actually providing protection due to the obscurity of some provisions that were largely added through amendments. It emphasizes the importance of comprehensive data protection legislation in India.

### **Conclusion**

Artificial intelligence-based systems are altering businesses and governments all around the world. This move raises the prospect of major human rights violations. However, as artificial intelligence technology advances and enters new industries, more work is required to safeguard human rights. Data protection legislation, as well as protections for openness and accountability, may be able to reduce some of the most damaging uses currently known. Artificial intelligence,

or AI, is a rapidly emerging technology that aids human intellect. As a result of this progress, today's computers can think, learn, and generate. A computer program is an “application” if it requires human intellect. Despite the fact that artificial intelligence possesses both positive and harmful characteristics, it is the responsibility of humans to ensure that only the positive aspects of this major technological advancement are employed to preserve the environment and the next generation. Many people believe that the use of artificial intelligence will lead to the extinction of human civilization. Despite this, no artificial intelligence program has been designed with the intent of causing harm to people.