



LAW JOINING HANDS WITH TECHNOLOGY

Author – Pratham Behl

Co-author – Jhanvi Kapoor

INTRODUCTION

As we are living in the 21st century which is the era of modern development and presently there is no such niche that has been left unaffected with the advent of technology. Technological advancements have revolutionised every industry and so is the case when it comes to the legal field. At nascent level law is an official rule of a country or a state that says what people may or may not do and technology is the application of knowledge to solve problems or create new solutions. Technological advancements have been instrumental in reducing workloads and simplifying problem solving processes. A recent breakthrough example is ChatGPT, developed by OpenAI. In the field of law, another notable advancement is the development of India's first free legal AI website, Law bot Pro, created by Mandaar Giri, a student from VIPS, GGSIPU, in collaboration with Giri & Co.

RELATIONSHIP

The relationship between law and technology is simple and at the same time exceedingly complex. Daniel J. Gifford who is a professor of law at the University of Minnesota says that “Law and technology interact when legal rules foster or retard the development of technology. They also interact when society decides that technology produces undesirable results and employs legal rules to contain or modify those results. “With the development of internet libraries are no longer the sole source of information for students of law they have access to large databases and books online to keep up their research capabilities. E learning platforms have been on the boom offering online courses and visual classrooms the major advantage offered by them is flexible learning and enabling students making it possible for them to interact with professors around the globe. Another target of the tech revolution is the moot courts they have been virtualised to a great extent providing a realistic experience to the students.

INTELLECTUAL PROPERTY RIGHTS

Since traditional property rights fail to provide incentives for creative activities the need for intellectual property rights arose. Intellectual property rights (IPR) encompass the legal entitlements granted to inventors or creators for safeguarding their inventions or creations over a specified duration. These legal entitlements bestow upon the inventor or their assignee the sole authority to fully exploit their invention for the designated period. As per World Trade Organisation (WTO) Intellectual property rights are the rights given to persons over the creations of their minds. In India there are 7 types of intellectual property rights namely copyrights, trademarks, patents, geographical indications, plant varieties, industrial design, semiconductor integrated

circuit layout designs. Copyright pertains to the legal entitlement granted to the owner of intellectual property, granting them exclusive rights to reproduce, distribute, and publicly display or perform their creative works , A trademark can be any word, phrase, symbol, design, or a combination of these things that identifies your goods or services , According to WPO a patent is an exclusive right granted for an invention, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem , Geographical indications are intellectual property rights that serve to identify a product that originates from a specific geographical area and that has a quality, reputation, or other characteristics that are essentially attributable to its geographical origin , Plant variety protection, also known as a plant breeder's right, is a form of an IPR granted to the breeder of a new plant variety concerning certain acts and the exploitation of the protected variety, which requires the prior authorisation of the breeder ,Industrial design acknowledges the creation of novel and unique aspects encompassing new shapes, configurations, surface patterns, decorations, and compositions of lines or colours applied to articles, which, in their final form, are evaluated solely by visual perception. They usually give the creator an exclusive right over the use of his/her creation for a certain period of time. The origin of intellectual property rights in India dates back to 1856 with the first legislation passed was related to patents the act VI of the same year, the main goal was to encourage more and more people into creating things and to induce the investors into disclosing their inventions. Forward to this date where in our country a number of legislations relating to intellectual property rights have been passed and with the law being developed so much they are being given importance. It has developed such extent that there is a right of inheritance in the case of intellectual properties also like in the case of RDB & Co. HUF v HarperCollins Publishers India Pvt. Ltd. (2023 SCC Online DEL 3046) the Delhi high court passed a seemingly interesting judgement it stated that the screen play rights of the Bengali movie 'Naayak' stays with Satyajit Ray and on his demise they will passed on to his son Sandeep Ray. Another example of a recent case law demonstrating the development of these is Wynk Ltd v TIPS Industries Ltd. in this case a panel of judges at the Bombay High Court affirmed the decision made by a single judge, ruling that Section 31D of the Copyright Act, which outlines provisions for statutory licensing, does not encompass internet broadcasting ,the Court's rationale was based on the fact that when the Copyright Act was amended in 2012, internet broadcasting was not a foreign concept in India. If the Legislature had intended for Section 31D to encompass internet broadcasting, it would have explicitly amended the provision to reflect this intention. Similarly another case law which acts as an example of development of IP is Anil Kapoor vs Simply Life India & Ors. In this case relief was granted to the famous Bollywood film actor Anil Kapoor by the high court of Delhi against the use of his image , name , voice and other traits of his personality which were deemed to be unauthorised for monetary gain. The court held that free speech in the context of satire and parody would be protected but however blackening someone's personality would be illegal and the court restrained more than 15 defendants from using the afore mentioned traits related to Anil Kapoor. It is very interesting to see on how the IP rights have developed so much in India to an extent it competes with all the developed countries.

IT ACT 2000

Another relevant legislation forming a link between law and technology is the Information Technology Act of the year 2000.The legislation in question focuses on e-commerce activities and regulates transactions

conducted through electronic means. It encompasses provisions concerning the validity and acknowledgment of electronic records, thereby establishing a legal framework for electronic transactions. Moreover, the legislation outlines requirements for obtaining a license to issue digital or electronic signatures. This licensure is deemed essential for entities involved in generating and validating electronic signatures, ensuring the authenticity and integrity of electronic documents and transactions. In essence, this legislation aims to facilitate and regulate electronic commerce by providing legal recognition to electronic records and establishing protocols for the issuance and verification of digital signatures, thereby bolstering the trust and security in online transactions. It was introduced on 9th June 2000 to provide legal recognition for transactions carried out by means of electronic data interchange and other means of communication. The said act is the most important law in India dealing with cyber crime and e commerce. The need to introduce the said act arose when United Nations Commission on International Trade law in 1996 adopted a model law on e commerce. It was also made compulsory by the United Nations for every single country to have their own laws and legislations on e commerce and cyber crime. In order to comply with these regulations and to protect the citizens from cybercrime the IT Act was passed in the year 2000 and with that India became the 12th country in the world to have a dedicated legislation on cyber crime. It has been further amended in 2008, 2015, 2018 and 2021 to keep up with the needs of the developing society. In the amendment of 2008 it brought changes to section 66A of the act which was deemed to be very controversial as it punished people for sending any offensive message through the online mode. The word offensive was not described in the said section and due to that it led to many arrests. It was due to this reason only that this section was struck down by the apex court in the landmark judgement of Shreya Singhal v Union of India (2015). An additional amendment was done in the section 69A of the act that gave the powers to the government to block websites for national security and integrity. In 2015 another amendment bill was introduced which aimed to provide protection to the fundamental rights of the citizens. The bill again talked about section 66A claiming that the aforementioned section was violative of Article 19 thus striking it down. In 2021, the Indian government introduced comprehensive regulations aimed at intermediaries operating within the country. These regulations imposed strict obligations on intermediaries, including the requirement to conduct their operations with due diligence. Specifically, intermediaries were mandated to appoint grievance officers to address user concerns effectively. Furthermore, the regulations established a Grievance Appellate Tribunal, serving as a mechanism for users to escalate their complaints if they were not adequately addressed by the intermediary's internal processes. This tribunal was tasked with ensuring fair and timely resolution of grievances raised by users. One notable provision of these regulations was the stipulation that all complaints from users must be acknowledged by the intermediary within 24 hours of receipt. Moreover, intermediaries were required to resolve these complaints within a maximum period of 15 days, thereby emphasising the importance of prompt and efficient redressal of user concerns. Therefore, it must be fair to conclude this on the belief that the Act was very much needed in our country and is multifaceted in its aims, seeking to address several critical aspects of electronic transactions and digital security. Firstly, it aims to provide comprehensive protection for all transactions conducted through electronic means, ensuring that individuals and businesses can engage in online activities with confidence and security. This includes safeguarding against various forms of cyber threats such as

hacking, data breaches, and fraudulent activities. Secondly, the Act endeavours to establish a robust framework for the recognition and validation of digital signatures used for legal authentication purposes. By doing so, it aims to enhance the trustworthiness and legal validity of electronic documents and contracts, facilitating seamless and secure electronic transactions across various sectors. Additionally, the Act is designed to regulate the activities of intermediaries operating in the digital domain. Intermediaries play a crucial role in facilitating online transactions and communications, but they also pose certain risks, including potential vulnerabilities to cybercrime and misuse of personal data. The Act seeks to establish clear guidelines and standards for intermediaries to follow, ensuring that they operate responsibly and take appropriate measures to protect users' privacy and security. Furthermore, the Act aims to protect citizens from cybercrime by establishing proactive measures and mechanisms for detecting, preventing, and prosecuting cyber offences. This includes provisions for cooperation and coordination among law enforcement agencies, government authorities, and private sector stakeholders to effectively combat cyber threats and ensure a safe and secure digital environment for all users. Overall, the Act represents a comprehensive approach to addressing the challenges and opportunities presented by electronic transactions and digital communication. By focusing on protection, recognition of digital signatures, regulation of intermediaries, and combating cybercrime, it aims to create a robust legal framework that promotes trust, security, and confidence in the digital ecosystem.

DIGITAL INDIA ACT

The Digital India Act 2023 is emerging as a finer law for technology in India due to the out-worn laws and technology in the IT Act 2000. On March 9, 2023 Rajesh Chandrashekhar from The Ministry of Electronics and Information Technology exclaimed that we need a modern law that could address the digital nagrik's requirements and henceforth he launched The new Digital India Act. The digital India Act's point for convergence is to provide a platform for the emerging trends in technology in India as well as to function courts in a more efficient way and to timely and swiftly handle the cases in cyber laws. There is dire need for India to impose rule of law in cyber laws in India and Digital India Act provides this platform to the courts of India. This act ensures that there is no centralized power and inflicts accountability by online diversity, fair market access, ease in business as well as in startups. This act has inaugurated regulations for cyber threats such as pornography, defamation, cyber bullying, dark web and salami slicing which means to take large and exorbitant amounts of money in smaller amounts to make it less conspicuous. It deems to provide online safety and trust and reviews citizen's rights like right to be forgotten, right to digital inheritance, right to redressal, Right to electronic means, Right against discrimination etc. In current times there is despairing need to control fake news which needs to be critically examined and analysed. Recently, YouTube removed 56 lakhs videos out of which 30% were from India due to spam, misleading, nudity as well as child abuse, META deleted 327 crore worth content and WhatsApp banned 97.2 lakh Indian accounts. The distinct feature which is presented newly is the adjudicatory and appellate mechanism for accountable and responsive digital operators and algorithmic transparency. Accountability is crucial in order to uphold the constitutional rights of the citizens in Article 14,19 and 21. AI based tools are incorporated to protect rights and choice of its users.

There is a need to update the Competition Act due to the unfair misuse of the big tech companies which may hamper with the privacy of its users. The New York Times recently published in their paper that U.S accused Google of using monopoly in Ad technology which curtails a user's right to choose. INET also exclaimed and claimed that Big Tech companies are not only market but also gatekeepers of the knowledge and information of users. These are clear examples of urgent need to safeguard the interests of the citizens. Along with this privacy invasive devices such as spy glass wear and wearable tech is mandated under strict regulation before market entry. This act provides extra protection to children and provides stringent laws for child pornography due to the emerging news of child abuse and nudity. The punishment generally includes hefty fines on the accused person. The recent Adhaar data breach is a significant reason for India to gear up and make sure that the cases of data breach and misuse of people's information is minimal.

However, there are certain stumbling blocks which may make the execution of the Act back-breaking. The Ministry may not be able to work solely based on the issues coming into light in cyber crime and a law which is agreeable to the general public. It also need to work in accordance with the other relevant stakeholders such as government bodies, expert legal panels, various emerging tech-companies are required to be included in the kosher drafting as well as implementation of the Act. This will lead to less chances of contention and will provide a comprehensive legal framework which caters to all the realms. As we all are conscious of advent of new technologies and how government is always yearning for the youth to be more innovative, laws are required to be formed in such a way that the new and legal innovation is not hindered. This should not be misinformed by not having stringent rules for no misuse of technology as well. The balance between stringent rules and innovation is very much crucial and The Digital India Act should be able to maintain the quintessential balance. Alignment of the law with other countries and to be in line with the international standards is also an obstruction for the Act. Alteration of the laws again and again can be very mind-taxing and it may also put India under less distinction of India's laws aren't being able to fulfill the global framework or landscape. Public awareness is another defiance for the Ministry as most of the people are not even aware about the IT Act 2000 laws in the country. Educating, Enlightening and informing will be a roadblock for The Digital India Act.

THE NEED FOR A NEW ACT

On February 2021, hackers broke into Air India database in order to steal the information of 4.5 million Air India users. The hackers obtained sensitive information to access customers GST invoices which they were aiming to reveal to the public. Another time in 2021, hackers were able to get access to 25 lakh consumers KYC information of the Upstox company which is the second largest firm in India for stock broking. The hackers were able to make this possible through dark web. We are constantly hearing news nowadays which is related to fake calls from the bank which ultimately leads people to lose huge amounts of money from their bank and how through photo or video editing anything is possible and a person is made to do something which he or she might not have done or is in real life. With the advent of technology there is reel and a real life. Nowadays, frauds take place through links, fake courses, games, messages which might imbecile the common

public into believing that they are true. These common stories in news is a reason more than enough for India to inaugurate a new and revised form of technological laws for India in order to prevent frauds and misuse of people's sensitive information which is given to the big companies.

IT Act 2000 was made when there were only 5.5 million users of the internet and it was considered as a luxury, however, in the modern times when technology is considered to be a need more than a luxury, the laws of the IT Act 2000 aren't well equipped to deal with the dynamic changes in the technological environment. The growth of e-commerce and digital transactions requires dynamic and stringent laws. The emerging trends such as AI, blockchain, augmented reality which is most likely to take over the world in the coming times, we can't make laws again and again, henceforth, The Digital India Act aims to cover all these trends on a single platform. IT Act generally aims to provide digital ethics code, laws related to sensitive information and data, emergency computer source as well as the Cyber Appellate Tribunal which were mind wobbling laws when they came in their times however currently these prove to insufficient to address the changing times in the usage of technology. DIA seeks to provide online signatures, online dispute resolution, digital transactions, consumer protection as well as create regulations for content making and influencer profession which is becoming more apparent along with the OTT platforms which are a phenomenal alternative for cinema halls. Through this act the harmful and illegal content can be easily struck down and the government will have a better control on the type of content which is being circulated.

With the G20 India has open its spheres to the international conventions and associations. India has signed several trade and commerce treaties with countries such as UK, Israel, Canada etc which makes India a global partner. UPI was India's main attraction and a new venture to showcase to the people of the world to obtain such effective and secured way of transactions which is very convenient and fast. India is constantly part of meetings of the world and is improving its relations with the world. This brings out the need and the urge to formulate a digital law which is in accordance with the international obligations and is able to cover a wide jurisprudence as the region of digital transactions and technology is not curtailed only to a specific territory anymore. This will also lead to the flow of data from several parts of the world and increases the risk of international cyber security breaches and attacks. All of these issues are kept in mind while the framing the Digital India Act for the ease of India doing businesses globally.

TECHNOLOGY IN COURTS

India in the past 20 decades has seen significant changes due to the looming technology. There is digitisation taking place in all the realms of our daily lives such as banking, teaching classrooms, handling finances etc. The Government Of India also aims to make India a Digital intensified country which involves cashless transactions and safe bank accounts. Judiciary is an area in which there is such a wide scope for digitisation. It is a field in which long due process of litigation, constant paperwork, research work of old landmark judgements etc is mind taxing and may consume to much time, a court's time is very precious, and it should be used judicially, and no time should be wasted in access to information. Courts need technology in order for them to work more efficiently by reducing paperwork, improved accessibility as well as speeding up the

judicial process. The courts in India are overcharged with cases and the prolonged period of a case lasting can be very ill-timed for the general public. In order to puzzle out this enigma the courts have started the concept of e-courts which aims to computerize the courts in India as well as make them available at one's fingertips anytime and anywhere in the world. It is of due importance for the courts to adopt this new version of as due to the burden on them the cases take a long process to give their judgements which leads to delays and as we know that Justice delayed is Justice denied.

High Court and Supreme Court judges have realised the value AI tools which increase the efficiency in the judiciary system. Recently, Supreme court has managed to introduce Supreme Court Vidhik Anuvad Software (SCVAS) as well as Supreme Court's Portal for Assistance in Court's Efficiency (SUPACE) in its systems. There are an AI stipulated tools which helps in the conversion of orders and the judgements of the Supreme Court into vernacular languages which makes it easier to comprehend and increases the understanding level of the people. E- filling is a new feature which enables the petitioners and the courts to file the data without the physical presence in courts. The most in trend nowadays is the live video conferencing and broadcasting of the Supreme Court cases which helps in continuation of court proceedings even in remote areas. This also enables for the law students and litigants to gain more knowledge about the Supreme Court cases. This was initially introduced during the covid-19 period in order to conduct virtual hearings and so that case proceedings are not hampered. This may bring a huge boon in the judiciary system and will ease the lives of lawyers, judges as well as the general public. This is the future of law in India since as much as technology needs law to be used judicially and in the right manner, in a similar kind of way law needs technology to make itself more equip, efficient and exposing. It is required to make law easy, available, and accessible which is the true sense of judiciary.

In other counties such as U.S attorneys are supposed to submit all of their documentation online. Video conferencing is also prevalent there as U.S has a big territory, and it is troublesome to always conduct physical in person hearings. Also, the esteemed Federal Court of Australia has embraced electronic court room proceedings as well as submission of electronic documentation. Estonia is also way forward in e-courts and grant litigants the right to file cases online and need to present all the documents in the physical courts. India has also joined the rave with the newly initiated National Judicial Data Grid. It is a database which provided several judgements from the district, High courts, and Supreme Courts. This makes the access to the precedents for the lawyers easy and provides a trustable platform for the judges, lawyers, and law students to get access to the judgements. It is also made sure that the data is updated on a real- time basis and that it is easy and convenient to use. This portal was developed by the National Informatics Centre (NIC). It is made in coordination with the in-house software development team of computer cell with an interactive dashboard.

OPINIONS

India is indeed in a dire need for a new modified law and The Digital India Act can lay the foundation for other upcoming technologies emerging in the world. This will accredit India to convene on issues such as consumer protection, electronic transactions as well as content moderation on several social media platforms

which will acknowledge the issue of deep faking content and false actions and images of public figures in an ill-mannered way. The Digital Ethics Personal Code is a cardinal provision of the act which will set the standard as to how the coming startups and companies should work. As India is enlarging its participation in international affairs and making constructive efforts in order to put India on the global map, provide India for a free and fair trade with the other countries and enabling Indians to the global atmosphere, laws are required which are in congruence with the International standards and regulations along with agreements and treaties which are globally accepted. DIA is also a proactive step taken which may eventually lead to more digital literacy and will educate the citizens about their rights and responsibilities. It will give the citizens a platform for safety, trust as well as accountability. The growing digital market in the country needs a well defined and a well-structured law in order to cover all the realms of the society.

Recently, in an interview Mr Rajesh Chandrashekhar the hon'ble Minister of Ministry of Electronics and Information Technology said that the ministry is not keen on enacting upon the Act now or anytime soon due to the general elections to be held soon. He said that the government might change, or the regulation might change which will lead to the hampering of the execution of the Act. I believe that this is erroneous as India irrespective of the government needs a new law for IT. In case, this is dawdled more the cases against cyber crime will keep on increasing and will give leverage to the criminals. The citizens should not be in distress due to the delay of the Act. This will be conferring to the judiciary due to efficiency in the work and easy for the new generation lawyers to understand and comprehend. There are endless opportunities for the courts to shift from a conventional outlook to a better and more up to date workspace for the lawyers and the judges to work in. The current form of negotiating cases is very much outworn and this needs to be vary. The Digital India Act is indeed the today which will make a better tomorrow and set a landmark for the coming innovations and technologies.

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