

Prof. N. R. Madhava Menon Asian Jural Conclave, 2021-2022
(Law Students Conference- Concept Note)

"Technology and Future of Law"

It is undoubtful that 'rule of law' can be strengthened by technology as it enhances access to justice, transparency, and speedy trial. Concomitantly, it is undisputable that emergence of new technologies have posed new challenges to legal systems of the world.

The advancements in technology sector have great potential to not only shift societal gears but also move legal paradigms having traditional roots. The synergistic relationship of technology and network is modifying almost all spheres of human life, ranging from manufacturing, commerce, to health, education, and infrastructure, to legal and administrative structures. Today, the digital world and digitization is rapidly moving beyond from being just a science fiction to a ground reality. Services by humanoid robots, driverless cars, automated planes, cashless transactions, virtual classrooms, genetically modifies crops, and human cloning, etc. are few examples, which brings into light the marvelous improvisations technological developments have brought to human race. Shift from traditional physical workspaces to digital working during covid-19 pandemic, be it education, healthcare, marketing, or commerce, voices the advantageous effects of 'technology serving the humanity', especially at the hour of need.

The electronic systems and digital platforms are potentially transforming the core elements of societal paradigms, including legal and governance. From wired to wireless infrastructure, the modernization landscape is broadening continually with exponential pace, generating numerous avenues for growth and development. The technology sector, alone, and in collaboration with other sectors is yielding not only revenues but also generating employment opportunities. The commendable role played by the technology in establishing small scale businesses and benefitting larger businesses by changing the platform of operations, online transactions, marketing

strategies, advertisement policies, record keeping and payments details, etc. is noteworthy. The world is at a tipping point so far offline and online relations are concerned. The people having access to technology are naturally in advantageous position than their counterparts not having such access. The online- generation is benefitted with social mobility, enhanced opportunities for employment and applications, governance participation, health services, education, banking, shopping, and communication.

The other side of the frame mentions some glaring instances, like digital divide, cyber-frauds, jurisdictional issues, bioterrorism, tortious or criminal liability resulting from AI- Machine's acts, online copyright violations, patenting of higher life forms, etc. which narrate challenges the technological sector posing to the society, and consequently, hampering smooth functioning of the legal system. The legal interoperability, in technology dominated world, is marked by harmonization and cooperation of varied legal systems operating in borderless digital environment. However, attainment of such harmonization and cooperation becomes difficult, in the frame of conflicting domestic laws, unsettled international law and rules, and absence of judicial interpretations rendering clarity and precision.

The world is progressively marching towards artificial intelligence (AI) regime, where sophisticated machines, allegedly capable of possessing 'human thinking' are putting forth their claims to ownership/authorship/inventorship over their creations. With 'machine learning' processes, the computing technology is touching new heights by not only rendering effective assistance to humanity but also by producing new products into the market which, being coupled with machine precision, are capable of challenging human intellectual creations. Apart from ownership issues, the criminal and tortious liability issues have also started challenging the established legal system for want of personhood to such AI- machines, which in itself a grey area putting legal system into deeper contingencies.

The 'technology and law' can be viewed, primarily, from following two perspectives, *first*, 'law' governing the technology, i.e., a legal structure where

under provisions are made to regulate the technology and combatting the challenges posed by advancing technology to the traditional structures; and second, utilization of technology for enhanced administration of justice. The legislatures across the globe have been vigilantly amending the traditional structures to accommodate technological changes into the legal systems, though lagging behind in pace, is another concern. The automation of data related to litigants and cases, accessibility to court orders and judgments, e-filings, virtual court rooms, etc. are some examples reflecting enhancement of judicial productivity. Use of AI enabled machines for making pre-liminary legal analysis is becoming a common feature at law offices. The document review, necessary editing, deep legal research, document drafting (standard contract or deeds), legal analytics (assisting lawyers in identifying trends and patterns based on facts and precedents), etc. are some of the benefits rendering effectiveness to said analysis. It is imperative to note that the benefits so accorded by the technology, faces obstacles through digital divide, technological handicap, language barriers, uncodified non-legal norms which are given due recognition in the legal systems.

The infusion of technology in governance and operation renders traditional legal analysis incomplete for want of clear and critical evaluation of interplay of 'law' and 'technology'. The technology has the potential to alter not just the operating styles but also the norms, cultures, and values, thus, requires thorough legal attention with a view to keep the social fabric intact and live. The future of law needs careful selection of provisions to be laid as standards having neutrality aspect. Adopting approaches which are either too conservative or too liberal have adverse impact upon the relationship between the two, i.e., 'law' and 'technology'. The 'need of the hour' needs to be identified properly, whether it's a gap, which technology has created, needs to be filled, or altogether a new regime is demanded. If such identification is made at the earliest and effectively addressed, the whole system moves ahead peacefully supporting growth and development. However, if said is not observed dutifully, the whole system might crash or reach a point of deadlock, threatening advancement. The policy decisions regarding this delicate relationship, requires utmost attention for deciding the upright path for future

legal discourse.

The participants may prepare research papers on any of the following themes. The below mentioned themes are suggestive and not exhaustive:

- Right to education and digital divide.
- Biotechnology and bioweapons.
- Rights of persons with disability and technological hurdles.
- Artificial intelligence and future of law.
- Territorial partitioning v. borderless internet- jurisdictional issues.
- Genetic engineering and patenting higher life forms- ethical & legal issues.
- Digital governance- structural and managerial issues
- Technology and administration of justice.