HOW ARTIFICIAL INTELLIGENCE WILL AFFECT THE INDIAN CONSTITUTION: A RESEARCH FROM LEGAL INSIGHT

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ABSTRACT

This research paper deals with the fourth revolutionary idea of the industries, artificial intelligence. AI for example, software, applications and even robots now having the ability to think and act like a human is now a burning issue in field of Law. Science has always been a mile ahead of law and so it is now. Technologies like these have initiated its role in the almost every industry, and therefore law must now open its eyes to regulate it. This paper is divided into three chapters. The first chapter deals with legal status of AI and its helpfulness in legal industry. For regulation law must first determine what kind of legal status can be given to it. There are artificial personalities in law like companies which can be held liable for unlawful acts. So, it is also important to determine who will be liable for acts of AI. The next chapter discusses at length laws governing AI with respect to fundamental rights Article 14 and 15 and Article 21 is divided into two parts. First to determine the right the life and dignity and how privacy may be infringed by AI. *While using such software applications people often leave traces of their personal data such as name, address or sometimes credit card details which has the potential of being used by fraudsters. It is observed by many people that once they use some app they are able to see what are they looking for in some other sites as well.* The last chapter deals with recommendations for law and conclusion.

OBJECTIVE: The very objective of this research article is to study about artificial intelligence and how Indian Constitution should be interpreted in light of new technological advancements and affects of AI in legal industry worldwide.

LITERATURE SURVEY: This research paper is prepared using the secondary sources. Books, Internet websites, landmark case laws are thoroughly used.

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RESEARCH QUESTION: What is the legal status of artificial intelligence?

What laws can be implemented to regulate the acts of artificial intelligence?

How Indian Constitution is related to artificial intelligence?

INTRODUCTION:

Artificial Intelligence (AI) is an infant at best. Once it becomes a teenager and believes it is smarter than its parents will AI rebel? – Dave Waters

AI is machines are taught by humans to act and mimic like them.[2] As humans observe their surroundings and understand the visible phenomenon of bodies, they interpret what they have seen and generate a hypothesis, which is further evaluated to be right or wrong according to the evidences in support or against it. The final step is to decide by choosing which option seems best to be applied to a certain situation to reap the benefits. AI use symbolic or machine learning, speech or object recognition or pattern recognition[3] to reach at the same conclusion at massive speed by using the same process and intelligence of humans.

Indian legal structure is has the world's largest backlog of pending court cases. According to the statistics, it has more than 30 million cases to be decided and it will take more than 500 years to clear all of them. The most obvious solution to this problem of overburdened judiciary was to employ more judges[4] and classification of disputes and setting up new courts on that classification was of less success. Now the question is should a person wait for 500 years or more to get justice or is there a better solution to than just wait, sit and watch?

Blue J Legal a Canadian law firm has developed AI software known as "Tax foresight" which asks you a series of questions and then predicts the decision of court and confidence in the accurate prediction of result followed by an explanation and reasoning in a tax matter.[5]

CaseIQ is another epitome of AI. It can help judges too. When the submissions of attorneys are put in the software, it tells important mistakes made in it and missed out issues, precedent and

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[2] https://www.investopedia.com/terms/a/artificial-intelligence-ai.asp
[3] https://www.youtube.com/watch?v=2ePf9rue1Ao
[4] https://thediplomat.com/2016/04/30-million-pending-cases-fixing-indias-overburdened-judiciary/
[5] https://www.canadianlawyermag.com/author/sandra-shutt/artificial-intelligence-3585/

line of thought by the lawyers.[6] In this way judges can decide a matter with logical reasoning (res judicata) and his opinion (obiter dicta) by carefully considering supporting evidences in a complex matter.

HOW ARTIFICIAL INTELLIGENCE IS HELPFUL IN LEGAL INDUSTRY

It is where AI can be used for bringing the revolution into Indian legal system. It has the power to change the way the legal work is done, the way law firms conducts their businesses and way to deal with a client.[7] They can also help in working of high value legal work, corporate and finance due diligence, property reports on title, contracts analysis and drafting, research and compliance report[8] within seconds at cheaper rates as compared to humans who takes around few hours to few days and even sometimes few weeks to finish these works and requires lot of human efforts. Also, AI has the potential to identify the similar contracts from the past and the point out issues that are relevant to the case.

WILL AI REPLACE LAWYERS AND JUDGES

It is not that that AI will replace the humans from their jobs, but they will only be used for doing some part of their job. For instance, there are two multimillion companies who are disputing over a matter of patent. The jobs of junior associates is to find that one mistake that was made somewhere in the contract which runs for about thousands of pages. It's like finding a needle in the haystack. So here comes the jobs of AI and they will help in reading gigantic bundles of contracts running pages after pages in few seconds and finding that mistake thereby, making work easy. The AI job ends here. The responsibility of preparing a case and presenting it to the court is now on the lawyer.

Judges cannot on the sole basis of AI scoring through a given set of questions give away a punishment to a man. Questions such as having a job or not, being homeless, taking drugs can only give an amount of risk he is holding towards the society. But other factors such as his past and present life, the positive changes he is making in his life must also be considered.

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[6] https://swarajyamag.com/technology/the-indian-judicial-system-needs-an-artificial-intelligence-revolution
[7] https://www.canadianlawyermag.com/author/sandra-shutt/artificial-intelligence-3585/
[8] www.kempitlaw.com

Tim Brennan and Dave Wells had created COMPAS (Correctional Offender Management Profiling for Alternative Sanctions) which was used by the Judge Scott Horne in La Crosse County, Wisconsin in August 2013 to impose an imprisonment of eight years and six months to Eric Loomis who was identified to be at risk to the community. The defendant was charged with driving stolen car and fleeing from police. COMPAS was a tool used to assess the defendants on the basis of their 'criminogenic needs' which included criminal personality, social isolation, and substance abuse. Judges was to use the scores provided by the COMPAS and other factors as well to impose the sentence and risk alone cannot be the sole factor to decide the fate of a man. Therefore, the sentence was challenged as a violation of due process of the defendant's right.

Brennan the creator of the software testified as a witness in another case that he didn't design his software to be used in sentencing. It was made for a sole purpose of reducing the crimes. He said further that it cannot be used as a sole evidence to decide upon. Thus the sentence of the defendant was reduced to 18 months. The tool did not take into account the changes man was making in his life – conversion to Christianity, making quality time with his son and struggle to quit taking drugs. This shows the unreasonableness of a robot which would have been there in a natural prudent man. Therefore, judges must always be careful and witty of imposing a sentence even when they are taking help of a robot/AI. Even though an unbiased assessment was done by AI the decision given exclusively on the substantiation of the risks provided by it proved to be biased and not in proportion to the crime committed by the man.[9]

LEGAL PERSONALITY OF AI

"Artificial intelligence will reach human levels by around 2029. Follow that out further to, say, 2045; we will have multiplied the intelligence, the human biological machine intelligence of our civilization a billion-fold." —Ray Kurzweil

With the technologies going at an exponential rate there is a need to update the laws aw well according to the changing situations. When we discuss about AI's performing work on behalf of humans, what is the status of AI? What is its personality?

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[9] Lauren Kirchner, Julia Angwin, Jeff Larson & Surya Mattu, Machine Bias: There's Software Used Across the Country to Predict Future Criminals. And It's Biased Against Blacks, ProPublica, 2016 https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing [Last Accessed on 02-08-2018, 22:59]

For example, when there are self driving cars, and there happens an accident. Who will be held liable for this? Can the manufacturer be held liable or the person for whom the car was driven be held liable. For this it is important to mark whether AI can hold a legal personality? In order to grant this status of person-hood is it mandatory to grant them legal rights and duties.

According to S.11 of Indian Evidence Act, it defines who is a natural person, which also includes the artificial persons such as corporations. Even though it did not had a soul or intention it did came under its purview. The only reason behind it was that the corporations are only masks, the real face behind it were its shareholders and directors who were the real minds behind running the company. This is also the main reason of distinction behind corporations and AI. AI's are powerful creations of humans and they do not need commands from humans for doing everything. They can take well reasoned decisions for themselves which is not a case with corporations. They have their own mind even though they lack soul, intention, feelings, interest and freewill[10]. But, an exception was being made the legal enforcement of Saudi Arabia. It had granted a citizenship to 'Sophia' a humanoid robot developed by Hanson Robotics in Hong Kong.[11]

LAWS GOVERNING AI:

"I'm increasingly inclined to think that there should be some regulatory oversight, maybe at the national and international level, just to make sure that we don't do something very foolish. I mean with artificial intelligence we're summoning the demon." —Elon Musk warned at MIT's AeroAstro Centennial Symposium[12]

Microsoft suggests that before implementing any laws or regulations to govern AI proper values and principles should be setup so as benefit the society and only then it will be clearer which laws to implement[13] and such regulations should control the activities of AI so that they become responsible towards the society and not turn against it. .

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[10] L. B. Solum. Legal Personhood for Artificial Intelligences. North Carolina Law Review, 70: 1231–1287 (1992)
[11] http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research_Papers/Artificial_Intelligence_and_Robotics.pdf
[12] https://www.forbes.com/sites/bernardmarr/2017/07/25/28-best-quotes-about-artificial-intelligence/#6916281d4a6f
[13] http://www.digitaljournal.com/tech-and-science/technology/microsoft-calls-for-consensus-on-principles-to-govern-ai/article/511214 (5/8/18, 21:34)

After discussing values and principles the next definite question that would come up will be who to make liable for the acts of AI. Would it be the manufacturer or AI itself? If a robot kills a man, will he be liable? If he is found guilty can he be imprisoned? These are some mind boggling questions which must be focussed before taking any step further in this area. *This also leads up to the questions of rights and duties of a robot. Can there be an "autocide" if a man beats a self driving car? Can a "homebot" who does domestics works at house testify in court that it had witnessed a crime and use its 'machine rights' or 'robot liberation' for that fact? According to Hilary Putnam of MIT there should not be discrimination on the basis of hardness or softness of skin and it would be silly to do that.*

In Klein v. US [14] *the courts had observed that robotic judgement is advanced to human judgement. In this case while the pilot had not to use the autopilot for landing, and the landing operation failed the pilot was held negligent for not using a due care and invoking robotic help.* Unlike a living being whose mind and body are inseparable, a robot's mind (software) and body are severable and distinct. This is an important distinction. Robot rights most logically should reside in the mechanism's software (the programs executing in the robot's computer brain) rather than in its hardware.

What if robots rights are recognized and they are treated as humans, can they have social life or enter into a social institution like marriage? According to sociologist and futurist Arthur Harkins at the University of Minnesota, "the advent of robots with sexual-service capabilities and simulated skin will create the potential for marriage between living and nonliving beings within the next twenty years." For very lonely people, humanlike robots that don't age and can work nonstop could become highly desirable as marriage partners for humans. In many instances, says Harkins, "such marriages may be celebrated with traditional wedding vows and country club receptions."[15]

But when the question arises that does a robot have human rights the answer should be no, because they are machines designed by us and if given human rights as equal to a human life and liberty we will giving control to machines which would mean that they can supersede humans.

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[14] 13 Av.Cas. 18137 [D.Md. 1975]
[15] http://www.rfreitas.com/Astro/LegalRightsOfRobots.htm

Thus there should be defined difference in machine right and human rights.[16] But they must have right to be protected by our legal and ethical systems and a right to designed to be trustworthy.[17]

According to one of the studies of European Parliament's Legal Affairs Committee a robot cannot be held liable in civil or criminal cases because it does not holds a legal status and therefore difficult to identify the respondent.

Gabriel Hallevy,[18] has proposed three theories which might help in deciding criminal liability. The first theory, perpetration via another liability suggests that AI is like child, and is innocent like it, therefore is not likely to have a criminal state of mind. He says that, in such a scenario AI can only be an agent or instrument to commit some crime. In this theory he then indicates that a person commanding AI to do or not to do an act must be held liable, which would mean that the developer or user must be vicariously liable for the acts of AI.[19]

 But in my opinion it is very unlikely of a robot to have intelligent mind but not perceive the consequences of its actions. Because even if commanded by a human to commit a crime, AI has the power to think what is right or wrong and the ultimate result of such an act.

The second theory proposed by Hallevy is natural probable consequence liability. It is the ability of a developer or user to have vision of foreseeing the consequences of act. He assumes that they are involved in activities but do not intend to conspire or participate in the acts committed by the AI. Therefore for this situation to arise, the must know that it was natural, probable consequence of their actions. In this theory AI may or may not cat as an innocent agent of user or developer.[20]

The third theory is direct liability. As the name suggests AI would be liable in this case for the acts committed by it and it would be independent of it developer or user. He says that if the act is committed independently by AI there is no need to establish a mens rea which is sine qua non

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[16] http://blogs.discovermagazine.com/crux/2017/12/05/human-rights-robots/#.W2cxxtIzbIU
[17] Hussain A Abbas; Professor at the School of Engineering and IT at the University of South Wales, Canberra. http://blogs.discovermagazine.com/crux/2017/12/05/human-rights-robots/#.W2cxxtIzbIU
[18] Hallevy, G. (2010). The Criminal Liability of Artificial Intelligence Entities-From Science Fiction to Legal Social Control. Akron Intell. Prop. J., 4, 171.
[19] Scherer, M. U. (2015). Regulating artificial intelligence systems: Risks, challenges, competencies, and strategies.
[20] Scherer, M. U. (2015). Regulating artificial intelligence systems: Risks, challenges, competencies, and strategies.

and he sees no reason that AI cannot a criminal intent.[21] Hallevy proposes that these theories are not mutually exclusive and must be applied together to get a desired result.[22]

Jeremy Straub[23] points out that the lack of regulation in the latter case is what allowed the internet to develop to its full potential. Similarly, with the potential to change nearly everything humans do, AI should be regulation-free to encourage as much innovation as possible. Amitai Etzioni & Oren Etzioni[24] are also not in favour of generic AI regulation. According to them:

• AI does not possess a motivation of its own, unlike humans. The chances of intelligence being turned to motivation creates trouble is relevant only for the purposes of science fiction.

• The regulation of AI at this stage will be challenging, since AI is already being used and developed by many government and private entities around the world.

• Regulation might lead to restrictions, which are likely to impose high human and economic costs.

A report by Stanford's "One Hundred Year Study on Artificial Intelligence"[25] acknowledges that regulation in AI will be inevitability due to its ability to effect profound change. The report warns that knee-jerk regulation would be detrimental to innovation and counterproductive in the long run.[26] The regulators recommend regulation in AI to borrow from aspects of privacy regulation, which ultimately creates a virtuous cycle of activity involving internal and external accountability, transparency, and professionalization, rather than narrow compliance.

A VIEW FROM INDIAN CONSTITUTION

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[21] Gerstner, M. E. (1993). Liability issues with artificial intelligence software. Santa Clara L. Rev., 33, 239.

[22] Russell, S., Norvig, P., & Intelligence, A. (1995). A modern approach. Artificial Intelligence. Prentice-Hall, Egnlewood Cliffs, 25, 27.

[23] Does regulating artificial intelligence save humanity or just stifle innovation?. (2017). The Conversation. Retrieved 5 December 2017, from https://theconversation.com/does-regulating-artificialintelligence-save-humanity-or-just-stifle-innovation-85718

[24] Etzioni, A., & Etzioni, O. (2017). Should Artificial Intelligence Be Regulated?. ISSUES IN SCIENCE AND TECHNOLOGY, 33(4), 32-36.

[25] Stone, P., Brooks, R., Brynjolfsson, E., Calo, R., Etzioni, O., Hager, G., ... & Leyton-Brown, K. (2016). Artificial Intelligence and Life in 2030." One Hundred Year Study on Artificial Intelligence, Report of the 2015-2016 study panel.

[26] https://cis-india.org/internet-governance/files/artificial-intelligence-literature-review

Extrapolating from past experience,[27] we can imagine a future for AI in development that plays out much as other technologies have:

- AI applications will bring dramatic social benefits, particularly advances in healthcare, education, and economic efficiencies. However, these benefits likely will be distributed unequally.

- The AI divide will remain a hurdle to more inclusive AI development and deployment for some time to come, limiting benefits to typically underserved or marginalized communities.

- Some AI applications will be built with unacknowledged or unrecognized biases that will reproduce and aggravate social marginalization.

- AI will result in increased surveillance and loss of privacy due to the activities of both public- and private-sector actors. This will disproportionately impact marginalized and economically disadvantaged populations.

- Ill-intentioned actors will employ AI techniques with increasing sophistication to foster crime, social discord, and political unrest.[28]

FUNDAMENTAL RIGHTS:

Article 14 and 15 Indian Constitution is often regarded as a living organism and its interpretation requires according to the needs and advancements of society. As we can see that artificial intelligence is creeping into our lives with an exponential speed like Alexa of Amazon or Siri of Google we need to interpret our laws, constitution.

Since there is no interpretation of constitution with reference to AI this is done in this paper with the help of rights conferred upon corporations by adopting various doctrines and contrasting whether it can be applied to AI or not.

As A.I. becomes more prevalent, the establishment of legal rights for robots will become necessary. If these protections go as far as granting electronic "personhood", similar to corporate personhood, or even close to equal rights, will depend on how advanced a robot can

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[27] It should be noted that this perspective is heavily influenced by our position in a Global North research funding institution, where we have a history of supporting research on information and communication technologies for development.

[28] https://www.idrc.ca/sites/default/files/ai_en.pdf

be in forming relationships. This protection is not only for robots, but also for humans. Just as the owner of a dog is ultimately responsible for its actions, rather than the dog's breeder, so may the owner of the robot bear the responsibility of their robot's actions, and not the software engineer. However, because the engineer won't be culpable, neither will they be in ownership of what the robot creates.[29]

As our constitution is comprised of four basic principles of justice, liberty, equality and fraternity which also constitutes the basic structure doctrine, the interpretation of it in relevance to AI should not disturb this. Comparing fundamental rights, these rights are given to humans as human rights specifically adopted from Universal Declaration on Human Rights. Here we have a controversy that whether these rights can be given to AI. If we suppose that these rights are given to AI we come across the question of equality. As we have seen that *according to Hilary Putnam of MIT there should not be discrimination on the basis of hardness or softness of skin and it would be silly to do that. We are giving them an opportunity of being an individual, equal to human and to law. Therefore if there is an autocide or violation of their fundamentals the judges and courts have to look upon AI as their subjects and application of law should be solely on the evidence provided.*

Interestingly, Article 15 provides for Rights against discrimination on the basis of religion, race, caste, sex or place of birth or any of them to citizens of India. First of all AI will not be practicing any religion because it will not practice any unless it has been trained to do so. Assuming no religion and race or caste for AI they will only be left with sex, place of birth. Like Sophia the robot having its place of birth in Hong Kong. It has been made as if it was a female as the name suggests and has been granted citizenship in Saudi Arabia. If AI is granted a citizenship in India like Sophia it will be considered that it will be qualified to article 15 and every law that is applied to Indian citizens. But Article 19 will be violated in this case. As Article 19 only allows the granting of citizenship to natural persons and no foreigner or alien can be granted the citizenship of India. But speaking of corporations having fundamental rights Chief Justice Marshall held "A corporation is an artificial being, indivisible, intangible and exists only in contemplation of law… Being the mere creature of law, it possesses only those properties which the charter of its creation confers upon it."[30] *This statement suggests that only law can*

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[29] https://www.robotshop.com/blog/en/should-robots-have-legal-rights-17333
[30] Trustees of Dartmouth College v. Woodward 17 U.S. 518 (1819)

state the power and status to the AI and the lawmakers will ensure that the legal rights granted to the AI is being used only what is conferred on them and not in violation of the constitution. The lawmakers should be careful enough while granting equality or right against discrimination to AI on sex because the rights will only confer for AI specifically. Thus AI will legally owe its status and rights to the state. Thus when constitution confers a particular right to be enjoyed by citizen in contradiction to those enjoyed by all, the Constitution has used the word "any citizen" or "all citizens". It is in this context that the difference between person and citizen becomes vital to determine which fundamental rights are available to AI in India.[31]

Presumptions of discrimination by AI are also being raised. Studies have shown, for example, that Google was more likely to display adverts for highly paid jobs to male job seekers than female.[32] This sort of discrimination was also observed in the case of COMPAS.[33] It is more important to protect fundamental rights for humans and does not allow AI to discriminate between black and white or male or female. Last May, a study by the EU Fundamental Rights Agency also highlighted how AI can amplify discrimination. When data-based decision making reflects societal prejudices, it reproduces – and even reinforces – the biases of that society. This problem has often been raised by academia and NGOs too, who recently adopted the Toronto Declaration, calling for safeguards to prevent machine learning systems from contributing to discriminatory practices.[34]

ARTICLE 21:

RIGHT TO LIFE AND DIGNITY: *AI will be replacing humans in many arenas. This will mean that there will be less jobs of labour which will require skill and abilities.* A study published by Oxford University (2016) states that 47% out of the American existing jobs are to be replaced due to automation by 2043, while 69% out of the existing jobs in China and 75% of the ones in India will be substituted in the future. The European Union Commission (2016) predicts that the basic criteria for 90% of the jobs will be digital skills. The new revolution will not only produce an employment shift, but also increase the wealth gap and lead to economic disparity.[35] *This is*

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[31] https://researchersclub.wordpress.com/2013/10/24/a-critical-study-of-fundamental-rights-available-to-corporate-bodies-with-reference-to-leading-cases/

[32] https://www.coe.int/en/web/disability/-/safeguarding-human-rights-in-the-era-of-artificial-intelligence

[33] Supra note 8

[34] https://www.coe.int/en/web/disability/-/safeguarding-human-rights-in-the-era-of-artificial-intelligence

[35] https://arxiv.org/ftp/arxiv/papers/1706/1706.03021.pdf

also a controversy as human labour in probability will not have jobs and be unemployed by the employment of AI and replacing human labour. This will violate their right to life. But it is inevitable for now to determine the liability of the violation of fundamental rights of existing workers because at one point of time robots are just machines created by humans and taking help of machines to make work easier would not mean to deny someone his right to life. The above argument is only possible when robots are given a special legal status with some rights and duties.

AI is being made to do the jobs of humans easy and in effective time frame. Suppose AI is working as traffic police and due to some technical failure it stopped working and started showing wrong signals which results into horrible accidents claiming lives of humans. Can AI be suspended from his job?

Governments have binding human rights obligations and corporations have a responsibility to respect human rights. It is strongly believed that enshrining AI ethics in human rights is the best way to make AI a positive force in our collective future.[36]

In the coming years, as the public encounters new AI applications in domains such as transportation and healthcare, they must be introduced in ways that build trust and understanding, and respect human and civil rights.

"The granting of legal personality is a decision to grant an entity a bundle of rights and concomitant obligations. It is the nature of the rights and duties granted and the agent's abilities that prompt such a decision, not the physical makeup, internal constitution, or other ineffable attributes of the entity."[37]

The question therefore can be answered today only in a limited scope. It can be said that there should be limited use of robots till the societal development. It is because if AI will be used even for smallest of labour works for humans, the companies will only invest in robots and use them, it will be like a onetime investment for them which will help them gain profits for skilled work but on the other hand reduce the employment statistics. This way AI will, in no time conquer the jobs of humans and make even the employed people unemployed. This will also be a violation of right to life due to wrongful termination. By comparison, once the basic income will be distributed, the time spent working will not decrease, but the standards of the job market will be

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[36] https://www.amnesty.org/en/latest/news/2017/06/artificial-intelligence-for-good/
[37] SAMIR CHOPRA & LAURENCE F. WHITE, A LEGAL THEORY FOR AUTONOMOUS ARTIFICIAL AGENTS 155 (2011).

upgraded. The new paradigm that will allow people not to work for an income any more, but for pleasure instead, will lead to talent harnessing, new ways of contribution to society and finding meaning in activities which do not require labour.[38] Thus, new ways of liberalising the use of AI for the contribution of society should be harmonious to both entities.

One should understand here that, granting of legal rights does not necessarily mean to grant every right. For example the right to sue and be sued does not mean that the legal entity has the right to vote and privacy. Both corporations and natural persons are legal persons but certainly have different sets of rights and duties.[39] Therefore, one must understand that there cannot be the same fundamental rights for robots which are being enacted to protect humans and their dignity. Rights and duties for AI must be enacted to protect themselves and on the wider aspect protect humans from them.

For an instance, Kiichi Ishikawa, a 60 year old man, in a fit of rage kicked Pepper and damaged it to the extent that it moved relatively slower. The man was arrested for his wrong. The robot Pepper was damaged or may be even injured but he could not recall the event so occurred. This situation leads to the question that when they inanimate beings then why should they have special legal rights.[40] When it comes to the liability Alain Bensoussan views it as a chain from robot manufacturer to owner and user. While other experts are of the view that in the occurrence of an event 'black box' could trace the responsibility more objectively.[41]Weng answered that legal rights need to be established regardless as robots become more integrated into our daily life for safety reasons. "For the foreseeable future, robots will be 'objects of law' even if they can't feel or think," he explained. A "Robot Safety Governance Act" will help ensure future robot-human interactions are safe, he said.[42]

Is it necessary that a robot always has to agree to the work assigned to him? Its drunken owner may at a point ask it to let him drive. Ethically trained robot may have a probability that it will not turn itself on and let the drunken owner take the wheel but a legally trained robot may have a right to say 'no'. "*If a robot is to be an effective servant, then it has to be able to say 'no'*,"

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[38] https://arxiv.org/ftp/arxiv/papers/1706/1706.03021.pdf

[39] https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1253&context=nulr

[40] https://www.businessinsider.in/This-researcher-has-an-interesting-theory-for-why-robots-need-legal-rights/articleshow/49637223.cms

[41] https://atelier.bnpparibas/en/smart-city/article/rights-robots-have

[42] https://www.businessinsider.in/The-18-best-smartphones-in-the-world/articleshow/49637196.cms

argues Nell Watson. In recent times, Google has announced to create an 'off' button to switch the system off. Would the robot have the right to stop people from deactivating it? If the robot is protecting a human being or goods, can it go as far as to use lethal force? This is the next question in line.

These are difficult questions which seem to justify the establishment of Robot Laws today. Serge Tisseron told the Next Web Conference audience: "*What I'm worried about is that today we're not paying enough attention to creating a legislative and educational framework. Scientific progress is inevitable. We need to think about educational and regulatory reference points right now. We mustn't wait until robots are already there to start thinking about the best ways to manage them.*"Ronald Siebes added*: "Since a robot is today able to understand us, why don't we put ourselves in the place of the robot?*"

So should robot rights be something like human rights, or company rights? Perhaps they should draw something from both. Nell Watson believes that rights between men and machines should be as equitable as possible, but not necessarily equal, in the same way that children and their parents, doctors and their patients, and companies and their employees have differing rights. "There's always a balance, just measure between rights and duties for everyone. We need to apply this to robots as well because the worst behaviours in human civilisation arise from the overriding idea that one group of individuals should be treated differently from another."[43]

AI AND PRIVACY: In the judgement of privacy case, the nine judge bench held that privacy is a constitutionally protected right under Article 21 of Indian Constitution, which is not only for a few persons having privilege to enjoy.[44] "*Life and personal liberty are not creations of the constitution. These rights are recognised by the constitution as inhering in each individual as an intrinsic and inseparable part of the human element which dwells within.*"[45] *The judgement clearly expresses that privacy relates to the fundamentals of dignity of a man and is inalienable and inseparable from the human existence.*

Digital footprints are one of the basic things which are involved when people use social media or for that matter any online based application. While using such software applications people often leave traces of their personal data such as name, address or sometimes credit card details

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[43] https://atelier.bnpparibas/en/smart-city/article/rights-robots-have
[44] https://thewire.in/law/justice-chandrachud-judgment-right-to-privacy
[45] K.S Puttuswamy v. Union of India

which has the potential of being used by fraudsters. It is observed by many people that once they use some app they are able to see what are they looking for in some other sites as well. This is because sites monitor your activities and collects data useful to it and then endorses the advertisements which it considers might useful to you and markets it.

But when take AI into the picture it is somewhat different. Once the information is fed to AI, it may bring out results which are particularly sensitively harmful. For instance if the inference is correct that the person is having ill health, it might affect his employment.[46]

Bohn ET. Al[47], seem to agree, noting that the very nature of AI technologies have the potential to create surveillance frameworks, thereby invading our privacy. The EP Study[48] points to the fact that robots will not only collect data from their surroundings, but may also exchange it between them or to another entity without the knowledge of humans.[49]

Yampolskiy[50] classifies and surveys the potential kinds of dangerous AI. He suggests that cyber security threats from AI will be less the robot science-fiction kind, and more arising out of deliberate human action, side effects of poor design or factors attributable to the surrounding environment. He concludes that those most dangerous types of AI would be those that are created to harm. He opines that deciding what constitutes malevolent AI would be an important problem in AI safety research, and advocates for the intentional creation of malevolent AI to be recognized as a crime.

The case-law of the European Court of Human Rights sets clear boundaries for the respect for private life, liberty and security. It also underscores states' obligations to provide an effective remedy to challenge intrusions into private life and to protect individuals from unlawful surveillance. In addition, the modernised Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data adopted this year addresses the challenges to privacy resulting from the use of new information and communication technologies.[51]

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[46] https://analyticsindiamag.com/digital-privacy-in-the-era-of-artificial-intelligence/

[47] Bohn, J., Coroamă, V., Langheinrich, M., Mattern, F., & Rohs, M. (2005). Social, economic, and ethical implications of ambient intelligence and ubiquitous computing. In Ambient intelligence (pp. 5-29). Springer Berlin Heidelberg.

[48] Nevejans, N. (2016). European civil law rules in robotics, Directorate General for Internal Policies. Policy Department C: Citizens' Rights and constitutional Affairs, Study PE, 571.

[49] Russell, S., Norvig, P., & Intelligence, A. (1995). A modern approach. Artificial Intelligence. Prentice-Hall, Egnlewood Cliffs, 25, 27.

[50] Yampolskiy, R. V. (2015). Taxonomy of Pathways to Dangerous AI. arXiv preprint arXiv:1511.03246.

[51] https://www.coe.int/en/web/disability/-/safeguarding-human-rights-in-the-era-of-artificial-intelligence

RECOMMENDATIONS: "The Human (IT) Manifesto" comprising of seven declarations for privacy, consent, identity, ability, ethics, good and democracy was circulated at the World Economic Forum (2017). The human being is central to the new industrial revolution for machines. The interaction between humans and AI is essential in order for a symbiotic relation to be created and for both parties to evolve with the help of the other. Entrainment is one way for improving the human robot interaction with the danger of social valence, the tendency of people to anthropomorphize AI and place too much trust in a human-like machine. The more people understand how interpersonal relationships work between the two different categories, the more people and robots can collaborate efficiently.[52]

In summary, these principles require that personal data is:

• Processed in a lawful, fair and transparent manner (principle of legality, fairness and transparency)

• Collected for specific, expressly stated and justified purposes and not treated in a new way that is incompatible with these purposes (principle of purpose limitation)

• Adequate, relevant and limited to what is necessary for fulfilling the purposes for which it is being processed (principle of data minimisation)

• Correct and, if necessary, updated (accuracy principle)

• Not stored in identifiable form for longer periods than is necessary for the purposes (principle relating to data retention periods)

• Processed in a way that ensures adequate personal data protection (principle of integrity and confidentiality)[53]

CONCLUSION

The term "Artificial Intelligence" include within its scope a wide range of technological processes, making it tricky to understand and hence create policy for. This literature synthesis attempts to provide a broad overview of the key technologies that compose the umbrella term referred to as AI and the key common factors/issues to its different disciplines. As is evident from this literature synthesis, the field of AI offers tremendous promises as solutions and

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[52] https://arxiv.org/ftp/arxiv/papers/1706/1706.03021.pdf
[53] https://www.datatilsynet.no/globalassets/global/english/ai-and-privacy.pdf

optimisation for a variety of problem statements we face. However, equally importantly, AI also throws up key normative and practical questions of ethics and governance that will play a central role with increased adoption of these technologies. While the some of the tensions between efficiencies promised by AI, and the criticisms pointed to by those advocating greater caution in its adoption may appear irreconcilable, it is important to delve into these points of conflict, so that we are able to rethink some the existing legal and regulatory paradigms, and create new ones if required.[54]

Shaping an AI-friendly environment for people and a people-friendly environment for AI can be a possible answer towards finding shared context of values for both humans and robots. The process of teaching machines to be more human-like may have a positive impact upon humans and translate into people becoming more human-like themselves. Henceforward, humanity will have the chance to realign its values accordingly, in addition to changing and enhancing their ethical conduct and to rethink their contribution to society at a deeper level.[55]

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[54] https://cis-india.org/internet-governance/files/artificial-intelligence-literature-review
[55] https://arxiv.org/ftp/arxiv/papers/1706/1706.03021.pdf