

How Indian legal system should adapt to the digital age

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Drawing lessons from global initiatives like Norway’s administrative reforms, Denmark’s digital-ready legislation principles, and the EU’s AI Act, India has a unique opportunity to lead the way in not only enacting laws to regulate AI, but also modifying laws that resonate with the digital age



The road ahead is clear: legislate for the future, or risk being left behind in the past.
Source: PTI | FILE.

The rapid ascent of technology demands a parallel evolution in the legal frameworks that govern society. Yet, many of our current legislations remain relics of an analogue era, ill-equipped to address the demands of digital ecosystems, artificial intelligence (AI), and legal tech innovations. This inertia not only stifles progress but also poses risks to fairness, efficiency, and accessibility in governance.

It is imperative to overhaul obsolete laws, create codable regulations, and critically evaluate initiatives like India’s proposed legislation on Artificial Intelligence to create a governance ecosystem fit for the digital age. I strongly feel that such measures would also enable a robust growth of the legal technology sector in the country and may help us address [and reduce] the backlogs of cases.

As shown in the English movie *The Imitation Game*, the discovery of the phrase ‘Heil Hitler’ as a predictable component of Nazi communications was a pivotal breakthrough in breaking the Enigma code during World War II. Today, by recognising and leveraging

predictable patterns, developers can systematically test hypotheses and help bolster automation.

Therefore, the power of objectivity helps us focus on fixed, verifiable elements within a problem to strip away noise and complexity. Automation systems, like those in artificial intelligence and machine learning, rely on identifying consistent patterns and extracting predictable, rule-based components from vast datasets.

Hence, by isolating objective markers, automation reduces variability and enhances reliability, enabling tasks like natural language processing, fraud detection, and predictive analytics to help make efficient legal technology tools.

Obsolete Laws: A Bottleneck to Tech-Friendly Progress

Obsolete legislation is more than an inconvenience; it directly impedes innovation and governance efficiency. Laws laden with ambiguities and outdated concepts hinder automation, complicate compliance, and discourage investment in legal tech solutions. For example, discretionary terms like “reasonable” or “adequate” often require subjective human interpretation, rendering them nearly impossible to encode into automated systems. While certain aspects of the law must remain flexible to account for nuanced human judgement and evolving societal norms, this flexibility can coexist with precision in drafting.

Norway’s pioneering amendments that enable fully automated administrative decisions exemplify the benefits of such a reform. By ensuring that automated systems can process legal conditions with clarity and precision, the country has improved public service delivery while maintaining transparency and individual rights. *Weitzenboeck’s* study on Norway’s approach highlights the necessity of “clear, precise, and foreseeable” legal bases to facilitate automation and prevent violations of fundamental rights. India and other nations must take note—continuing to cling to outdated statutes risks not only inefficiency but also an erosion of trust in governance.

Denmark’s ‘*digital-ready legislation*’ principles offer further insights. These principles emphasise simplicity, uniformity across authorities, and secure data handling to ensure laws are ready for digital integration. Such frameworks highlight the importance of a proactive approach to legislative drafting that aligns with technological capabilities.

The Objectivity Deficit in Legislation

Most current laws are not drafted with objectivity as a priority, probably because technological advancements have been unprecedented. This presents a twofold problem: (i) the laws are unsuitable for training AI, and (ii) they cannot support robust legal tech products. As *Maxwell Smith* observes, the lack of structured legal data and codifiable norms severely limits the development of machine-readable laws. Since many laws are inherently open-ended, they rely on discretionary terms that require subjective interpretation. This lack of objectivity and precision makes them incompatible with AI systems, which depend on clear, rule-based logic.

Jason Morris's take on the *Rules as Code* initiative offers an equally fascinating perspective. It provides a promising solution by proposing that laws be drafted in both human- and machine-readable formats. This dual approach reduces ambiguity and facilitates automation. Such a move underscores how encoding legislation into machine-readable formats could transform legislative drafting, enabling automated testing and better compliance. However, implementing such initiatives on a broad scale will require lawmakers to rethink the legislative process. Drafting must involve multidisciplinary teams, including legal experts and software developers, to ensure laws are precise, transparent, and future-proofed.

Ariai and Demartini, in their paper, focussed on natural language processing for the legal domain, further underscored the need for reform. The unique complexities of legal texts, such as formal vocabulary and extensive references, complicate natural language processing and automation. Efforts to standardise and simplify legal language are thus not only beneficial but necessary for effective automation.

Can India's AI Act Lead the Way?

While India's stand is currently focused on the responsible development and deployment of AI, I also urge that the proposed legislation on AI be shaped to become a pivotal step in aligning current legislations to keep pace with the technological advancements. By embedding AI-specific obligations such as transparency, risk assessments, and accountability, future laws can set the stage for a more tech-friendly legal environment.

However, its success will depend on the extent to which it addresses two critical issues. First is codifiability, which requires prioritising clarity and precision for easy operationalisation of provisions through clear, rule-based standards. Taking a cue from the European Union's (EU) AI Act, India could incorporate algorithmic governance that emphasises predefined computational rules while balancing human oversight.

Secondly, ethical safeguards must be integrated into automation-friendly legislation. These safeguards are essential to respecting fundamental rights, maintaining accountability, and ensuring fairness.

The Way Forward

To unlock the transformative potential of legal tech, legislators must embrace the principles of simplicity, consistency, and codifiability. Drawing lessons from global initiatives like Norway's administrative reforms, Denmark's digital-ready legislation principles, and the EU's AI Act, India has a unique opportunity to lead the way in not only enacting laws to regulate AI, but also modifying laws that resonate with the digital age.

Scrapping obsolete laws is not merely about modernisation; it is about ensuring that legislation serves as a catalyst rather than a barrier to innovation. By adopting objective, machine-readable legal frameworks, we can create a governance ecosystem that is not only tech-friendly but also more transparent, accessible, and fair for all.

As Parycek, Schmid, and Novak emphasise in their paper—the combination of automation and human judgement is crucial to ensure laws evolve with societal needs while maintaining their intent. However, addressing the current deficit in objectivity and clarity within most laws is essential for such transformations to take root. The road ahead is clear: legislate for the future, or risk being left behind in the past.

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