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THE COMING AGE OF INTELLIGENT AGENTS: ARTIFICIAL INTELLIGENCE IN ARBITRATION

By - Anshumi Maloo, Student - Batch 2017-22, UWSL



As we look few months back from now, the world was quite 'normal', the air was toxic, roads were dangerous, wildlife and rivers were threatened by urban expansion & earth movers, we were still battling air pollution and debating the fictitiousness of climate change. Early this year, hypocrisy hung heavy at the World Economic Forum in Davos, as political and business leaders discussed in length a world of unimaginable chaos while still adamant on continued use of fossil fuels as mediums to sustain economic growth. Our continued desire of economic growth and the amount of collective human energy invested into increasing our gross domestic product (GDP) came to a standstill as yet another zoonotic virus, a result of our continued exploitation of wildlife, jumped from animals and started circulating amongst humans. SARS CoV-2 (Corona virus/ COVID-19) rapidly strangled China and its socio-economic systems, and soon grappled the rest of the world.

Artificial intelligence (AI) is termed as, "theory and development of computer system to perform tasks and which maximizes the achievement of goals using human intelligence."

Artificial intelligence can be also referred as machine intelligence. As the time is passing and humans are solely relying upon their work through gadgets like Computers and Mobile Phones. Initially, these devices were invented to reduce the work load and save the time for humans as they can be more

productive and efficient. But the circumstances have been reversed as humans are spending more time on such devices reason being every single thing is available on it.

The goal is not to build good technology, but to serve the clients in a more efficient manner with easier research work and more affordable legal fees. The Artificial Intelligence technology is not here yet, but in the nearby future it will be. Artificial Intelligence programs are changing the way a lawyer thinks and deals with the clients. The AI cannot replace the human mind and the decisions taken by it while deciding the ratio of the case but the innovative machines can always be taken as a helping hand. As the Computers are already doing jobs as white-collar professionals.

ARTIFICIAL INTELLIGENCE: AS A HELPING HAND

The Artificial intelligence cannot replace the work of arbitrator or the tribunal but can be used as Arbitrator assistant. The usage of the Artificial intelligence in the field of Arbitration is not limited to the search of relevant documents but can also be used to appoint arbitrators, in the process of judicial review and in the process of award.

APPOINTMENT OF AUTHORITY:

When two arbitrators failed to appoint the third arbitrator then arbitration institution appoints the third arbitrator. By using Artificial Intelligence system, the appointment can be made effortless as it can prepare the list of suitable arbitrators from various categories in few seconds with different class of qualifications and experiences as per the need of the arbitration process.

ARBITRAL AWARD:

The arbitrators spend half of their time in passing the arbitration award which is prepared by the arbitral assistant in a digital form. Instead the Arbitrator can pass the award to the Artificial Intelligence system and the award is prepared

by the arbitral assistant in a digital form. Instead the Arbitrator can pass the award to the Artificial Intelligence system and the award is prepared within minutes. The award prepared by the Artificial Intelligence can easily be translated in another language also if the other party to the agreement is a foreign country.

LEGAL RESEARCH AND DOCUMENT REVIEW:

The parties to the agreement submit voluminous hard copy and documents on which the arbitrator has to do lot of legal research which consumes time. By using Artificial Intelligence, the legal search work can be made pain-free if the system is set for finding relevant documents only and it can be analyzed and presented in more effective manner.

The legal research work for documents/article reviews have shifted to online platform from libraries. But still from this shift, the researcher has to come across numerous pages and half of the information is not relevant. Using the techniques of the Artificial Intelligence the task of finding relevant information can be made undemanding.

For instance the machine has learned to recognize relevant document with specific information, as soon as the person uploads the document into the system the machine will share all the relevant documents related to the specific information required by the person.

The Arbitrators are best at arbitrating the dispute so if they have a helping hand in the form of Machine Intelligence they can save a lot of time. The role of Artificial Intelligence is not limited for a short period of time it can increase as it gets success in the field of legal profession, the Artificial Intelligence can serve up to two decades and still have the capacity to make changes and serve better. The Artificial Intelligence is at its teething period and needs improvisation but at this stage also the Artificial Intelligence can make the work easy for the Arbitrators just by serving them as their assistance.

ARBITRATION: FREEDOM OF CHOICE

The process of Arbitration is based on the choices of the parties and they have the freedom of choice to appoint their arbitrator, their choice of place where the proceedings will take place. In the near future the parties to the agreement may also agree upon choosing “machine arbitrators”.

As the Artificial intelligence is growing it will be a positive sign if it is adopted in arbitration proceedings then at some stage the proceedings will be free from “illogical human bias” but at many instances the parties will not be ready to accept the decisions made by the machine arbitrators as it is difficult to measure the validity of the decisions made by AI systems.

The Artificial Intelligence programming can also simplify the documents for the ease of the clients for the purposes like:

Interpretation: The machine arbitrator can be helpful to the client in the process of interpretation and making the language and ratio in a simple form.

Translation: The Artificial intelligence can translate thousands of pages into a simple form within seconds with high level accuracy and even the scanned and handwritten documents can be easily translated.

ARTIFICIAL INTELLIGENCE: AS A CURSE

The coin flips too, while using the Artificial Intelligence and its benefits we cannot forget that its disadvantages will also follow up where there are chances of biasness, hacking, using the data of the parties with a mala fide intention, the decision is not transparent as the developers of the algorithms won't disclose how the decision is articulated and the human mistakes which tops the list because at the end the Artificial Intelligence is the replica of human intelligence and we can only refer it as an “intelligent agent”

Having machines instead of Humans as Arbitrator will be a radical development in the field of Artificial Intelligence. The human mind doesn't always make rational decisions but the decisions can be predicted. The Artificial intelligence should be welcomed as it can give more rational outcomes and the cost will also be reduced.

STAND UP TO ANIMAL CRUELTY

By - Nishtha Agrawal, Assistant Professor, UWSL



I've always wondered why we treat animals like soulless beings,
But I've come to realize that we are heartless and have no feelings.

We always pretend that we want to make the world a better place,
But give a blind eye to the problems the animals face.

We always pretend that we are pitiful,
But kill the animals we "Think" are harmful.

We always pretend that we care,
But millions of animals are abused and we think that we are being fair.
We always pretend we are against animal cruelty and want the animals to be reached,
But we never ever practice what we preach

All in the name of being the smartest creatures alive.
but what does that even mean if we can't put that mentality aside
and actually do some real work because if u ask me, we haven't even tried.

Because animals can't speak up for themselves
That doesn't mean they can't be fed up of being treated like slaves.

6 to 8 million animals are abandoned, lost or abused,
It will cost us nothing to help but instead they are beat and bruised.

Animals need someone to stand up for them and raise their voice,
Do that not because you are forced to, but by choice and see how the world would smile and rejoice.

Stand up to animal cruelty and raise your voice.

HOPE FOR A CURE

By - Nishtha Agrawal, Assistant Professor, UWSL



Our fingers are all crossed
As we all hope for a cure
A cure to end the pandemic of Covid-19
Which has killed many like Ebola did in 2015
Friends have journeyed to the land of the dead
Enemies have journeyed as well
We are now united by sympathies but still divided by entities
Our compassions cannot travel beyond the walls of our rooms
We are now left to succumb to the limitations set by WHO
As that is better me and you
Our fingers are still crossed
As we hope for a cure

MIGRANT CRISIS: TRANSPORTATION OF MIGRANT LABOURERS AMIDST COVID-19 IN INDIA

By - *Dhananjay Bhati, Sem-7, UWSL*



Since ages, billions and millions of workers have migrated from state to state in search for greater opportunities and better livelihood. The impact of this global pandemic has ensured that no section of society is left uninfluenced. The coronavirus outbreak has intensified and expanded the global economy, with huge impacts on various sectors and unprecedented shocks to the labour markets. The lockdown measures have affected almost 2.7 billion workers, representing around 81 percent of the world's workforce making it the **world's worst global crisis since the Second World War** says the **International Labour Organization** ("ILO"). Ever since the lockdown was announced on 24th May by the Indian government, the migrant labourers have been left stranded in various states and been forced to undertake long detours back home.

imposed the lockdown when India reached a count of 500 cases of covid-19 to which the local authorities followed with measures such as creating strict containment zones and closing off the hotspot areas where the virus can be the most prone for transmitting and spreading. Though the lockdown due to COVID-19 pandemic was put in place as an effort to promote/practise social distancing and self-isolation, there have been epic scenes of migrant labourers fleeing the cities leaving behind their jobs and livelihood impacting their fundamental **'right to life'** guaranteed under Constitution of India.

The lockdown in India has impacted the livelihoods of a large proportion of the country's nearly 40 million internal migrants, as the 'World Bank' stated. The perpetual extensions of lockdown period right from the beginning and closure of almost all the formal and informal sector industries triggering the halt of related activities such as construction, transportation of goods and services have left these labourers in a helpless situation. The constant fear of getting locked as a result, the loss of income, food shortages and uncertainty about the future has led the migrants to an unprecedented exodus towards their native places.

This put themselves in a more horrible and disastrous situation as they will voluntarily put their lives at stake to reach their destination in a vision of fulfilling their livelihood again without proper food and water in the scorching heat. To reach their homes safely and securely, they abandon the use of public transport and start to go back to their native places walking or bicycling hundreds and even thousands of kilometres. A **15-year-old girl from Bihar** was seen carrying her ailing father on a bicycle for 1.200 km over the course of a week where she was later approached to try out for National Cycling Academy by the Cycling Federation of India and received praise from Ivanka Trump. Many reach their destination while starving but some even die due to dehydration and exhaustion on the verge of their destination.

The Supreme Court of India taking the suo moto cognizance of migrant issues released an **'interim order'** erstwhile 26th May

seeking solutions to various arrays of issues stating that:

- *Migrant workers who are stranded shall be provided adequate food by the concerned state at places which shall be publicised and notified.*
- *No fare shall be charged for train or bus journeys from the migrant workers. The fare shall be shared by the respective states.*
- *The state shall oversee the registration of migrant workers and ensure that they board the train or bus at any early date giving them the complete*
- *During the journey, it will be the duty of the state to provide them with meals and water.*
- *Those migrant workers found walking on the roads should be immediately taken to shelters and provide them with the basic amenities of life.*

The direction by the Apex court was perhaps an effective step towards curbing several migrant issues though procedural lapses are still prevalent in regard to the process of registration, the supply of adequate food, the minimum standard of food, paying the migrant fares, days needed to shift them to their native places and monitoring mechanism in order to ensure that food and basic amenities are adequately fulfilled. To level the shortages, the central government has asked the states to operate special “Shramik trains” for migrant labourers to carry them home from wherever they left stranded. The Supreme Court of India has also made a clarification on 9th June regarding punishment for obstruction of lockdown norms which is stated under the **Sec. 51 of the Disaster Management Act** with imprisonment upto one year or fine or both, stating that: “migrant workers should not be prosecuted for trying to reach home amid the national lockdown as society as a whole was moved by their miseries and difficulties”. In furtherance the hon’ble Supreme Court also directed the states to transport all migrant workers **within 15 days** from the date of clarification. The efforts have always been to put migrants to reach their home and make their livelihood green but still a uniform concrete policy needs to be implemented which seeks out in containing numerous migrant hardships. The first priority should be to transport the migrants in a safe and dignified manner and then be ensured by the local authorities that the returnees have not been stigmatized or been prone to be the “carriers” of any disease. Giving them the assurance of restoration of the livelihood is necessary through government-industries partnership with the observance of social distancing and medical testing of workers at workplace. An effective and equitable labour migration governance system is needed within the country which can give them a hope, aspiration and an alternative livelihood option. Else it will rather be very difficult to re-start their livelihood by partially lifting the bans and easing the lockdown norms.

EXISTENTIAL RELATIONSHIP BETWEEN ENVIRONMENT AND HUMAN RIGHTS

By - Dr. Ayaz Ahmad, Associate Professor, UWSL



The exhaustion of natural resources in forest and rural areas leads to unemployment and emigration to cities. This affects the enjoyment and exercise of basic human rights. Environmental conditions contribute to a large extent, to the spread of infectious diseases. Degradation of environment poses new problems such as environmental refugees. Environmental refugees suffer from significant economic, socio-cultural, and political consequences. Environmental degradation also worsens existing problems suffered by developing and developed countries. Air pollution, for example, accounts for 2.7 million to 3.0 million of deaths annually and of these, 90% are from developing countries.

Environmental and human rights law have many essential things in common that enable the creation of a field of cooperation between the two: Firstly, both disciplines have deep social roots; Secondly, both disciplines have become internationalized. The international community has assumed the commitment to observe the realization of human rights and respect for the environment. The protection of the environment is internationalized, while the State-Earth relationship has become a concern of the international community. Thirdly, both areas of law tend to universalize their object of protection. Human Rights are presented as universal and the protection of the environment appears as everyone's responsibility. Moreover, the enjoyment of all human rights is closely linked to the environmental issue. Not only rights to life and health in the first place, but also other social, economic, cultural, as well as political and civil rights can be fully enjoyed only in a sound environment. And certainly, to go to an extreme, they cannot be enjoyed at all if the environment becomes impaired beyond a certain critical level. The whole of mankind could in such a case perish together with all its civilization, including human rights. Thus, the protection and improvement of man's environment arise directly out of a vital need to protect human life to assure its quality and condition, to ensure the prerequisites indispensable to safeguarding human dignity and the development of the human personality, and to create an ethos promoting individual and collective welfare in all the dimensions of human existence. This is why in the view of modern jurists, if the right to a healthful environment satisfies certain criteria, it is entitled to be regarded as a human right and not a mere right.

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