BLOGS

Laws Regulating AI in India

Ruchika Mohapatra · 05 Apr 2023

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Introduction

Artificial Intelligence, commonly called AI is the news of the day every day. With the growing use of ChatGPT, a natural language processing tool driven by AI technology, AI is more popular now than it ever was. The term 'artificial intelligence' was first coined by John McCarthy in 1956. The Encyclopedia Britannica defines artificial intelligence as "the ability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings."

With increasing ethical issues in AI, like ChatGPT affecting academic integrity, there becomes a need to regulate it. AI has found its way into the legal field also, with the world's first robot lawyer advising defendants in the US. AI is seen as an opportunity in the field as it has the potential to declutter the judiciary with Justice Hima Kohli describing AI as a "game-changer in legal field."

Laws Regulating AI around the World

The AI revolution is regarded as the fourth industrial revolution and Governments across the world have been publishing AI ethics guidelines to maintain control over the technology. OECD, G20, World Economic Forum and the European Union have all published guidelines to regulate and promote AI since 2019.

The Global Partnership on Artificial Intelligence (GPAI) was launched in 2020 with 15 member countries with the aim to "bridge the gap between theory and practice on AI by supporting cutting-edge research and applied activities on AI-related priorities." GPAI is one prominent multi-stakeholder initiative for responsible development of AI and mitigation of potential challenges.

The European Union's General Data Protection Regulation (GDPR) of 2018, known as the toughest privacy and security law in the world had minor implications on AI. The proposed AI Act, mooted as the first law on AI by a major regulator anywhere, will also have a similar impact in the AI arena, like the GDPR had on data protection. The Act has classified AI usages into three risk categories. Firstly, systems that create an unacceptable risk will be banned. Secondly, systems that are high risk will be regulated. Thirdly and finally, other applications will be left unregulated.

Brazil in January 2023 published its draft AI law which prohibits AI systems in line with the AI Act of the European Union. In USA, there are state legislations which regulate AI. The UK Government recently on 29 March 2023 published a white paper on AI titled " A pro innovation approach to AI regulation" to regulate AI with the objective to increase public trust and maximize opportunities provided by AI.

Laws Regulating AI in India

Currently, there are no laws regulating Artificial Intelligence in India. But the Ministry of Electronics and Information Technology (MeitY) had constituted four committees for promoting AI initiatives and developing a policy framework in 2018.

The committees are as follows:

1. Committee on platforms and data on Artificial Intelligence
2. Committee on leveraging Artificial Intelligence for identifying national missions in key sectors
3. Committee on mapping technological capabilities, key policy enablers required across sectors, skilling, reskill
4. Committee on cyber security, safety, legal and ethical issues

The Committee on cyber security, safety, legal and ethical issues is relevant here. The 55-page report of the Committee analyzed AI and cyber security, cyber warfare, privacy, and even the weaponization of AI, and offered recommendations.

With regard to the regulatory framework, the existing IT Act would cover areas where data privacy is concerned. The report emphasizes that the focus has to be on defining reasonable security practices and to improve internal governance mechanisms in organizations without introducing excessive bureaucracy.

Conclusion

Though AI is not regulated by specific laws in India currently, such laws will emerge in the near future, as groundwork has been laid by AI regulatory laws globally, and Government Committees have been working on it in India too. AI interference in fields like academia and cyber security, and its damaging effects, mostly ethical concerns will have to be legally regulated.