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ARTIFICIAL INTELLIGENCE AND INDIAN LAW: ARE WE READY FOR THE FUTURE?

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INTRODUCTION

Artificial Intelligence is not something we only see in movies anymore. We use AI everyday with things like assistants and facial recognition systems. AI has become an integral part of our daily life, influencing sectors like healthcare, education, finance and law. AI has become a part of our daily lives. It can make decisions which has changed many industries like healthcare, education, finance, law.

It also makes us worry about some big issues. We have to think about who's responsible when something goes wrong and how to keep our personal information safe. We also have to think about ownership of ideas. If Artificial Intelligence is treating everyone fairly. We have to figure out how to regulate AI.

In a country like India, where people are quickly using or adapt technology our laws need to change to deal with these new problems.

UNDERSTANDING THE LEGAL CHALLENGES OF AI

One of the worries about AI is accountability because our traditional laws are made for actions and intentions of a human being. However, AI systems often work on their own making decisions without humans directly involved in it. For example, if a self-driving car causes an accident or medical assistance in AI gives advice that causes harm it's hard to figure out who is responsible. Should it be the person who developed AI or the person using it the company that made it or the AI itself?¹ Currently Indian laws do not give an answer to these questions.

¹ European Parliament, Resolution of 20 October 2020 with Recommendations to the Commission on a civil Liability Regime for Artificial Intelligence, 2020/ 2014 (INL).

Another issue is privacy and data protection because AI systems need lots of data to work properly. This data often includes information, which raises concerns about people and misusing data. The growing use of facial recognition technology and predictive algorithms has sparked debates about individual right to privacy².

There are also concerns about bias and discrimination AI systems learn from existing data, which can contain prejudices. As a result, AI-driven decisions in areas like hiring, lending, policing or public administration may unfairly target groups.³ Therefore, making sure AI decisions are fair and transparent is crucial.

INDIA'S EXISTING LEGAL FRAMEWORK

India does not have a law that specifically deals with AI. Artificial Intelligence issues are handled in ways through laws that already exist.

The Digital Personal Data Protection Act 2023 (DPDP ACT)⁴ is a step towards keeping personal data safe and controlling how data is used. Since Artificial Intelligence systems need a lot of data to work this law helps protect people from having their privacy violated and their personal information used without permission.

The Information Technology Act of 2000 (IT ACT)⁵ has rules for dealing with cybercrimes, data breaches and when other companies are liable. However, this law was made a time before AI became popular so it does not have specific rules for AI systems that can make decisions on their own.

AI also creates problems for Intellectual Property Laws (IPR). People are wondering who owns the rights, to things made by Artificial Intelligence. For example, if an AI system makes a piece of art, music, designs, patents, etc. writes something, who owns the copyright to it? Indian law currently says the humans own the copyright, which makes it unclear who owns things made mostly by AI systems.⁶

GOVERNMENT INITIATIVES TOWARDS AI GOVERNANCE

² Justice K.S. Puttaswamy (Retd.) V. Union of India, (2017) 10 SCC 1.

³ UNESCO, Recommendation on the Ethics of Artificial Intelligence (2021).

⁴ Digital Personal Data Protection Act, No. 22 of 2023, Acts of Parliament, 2023 (India).

⁵ Information Technology Act, No. 21 of 2000, Acts of Parliament, 2000 (India).

⁶ Copyright Act, No. 14 of 1957, Acts of Parliament, 1957 (India).

The Government of India sees that AI can bring about a lot of change so it has started projects to make sure that new ideas are used in a good way. The NITI Aayog made a plan called “National Strategy for Artificial Intelligence” that said AI can be used in areas like healthcare, education, agriculture, transportation, smart cities and mobility⁷. This project wants to make sure that AI is used in a way that’s fair and good for everyone.

India has also said that AI should be used in a way that’s transparent people are held responsible, for their actions it is fair and people’s private information is protected. Most of these rules are just ideas and not really laws. While these ideas give us a direction, we need to have laws and make sure people follow them if we want to really control how AI is used.

IS INDIA READY FOR THE FUTURE?

India’s growing digital infrastructure and technology sector provide a strong foundation for AI adoption. India is still working on getting the laws right for this.

The problem is that there is no law for AI. This creates a lot of uncertainty about what’s allowed and what is not. The laws have now only deal with some of the issues that come up with AI. They do not a job of handling things like machines that can work on their own biases in algorithms and advanced machine learning. Also, the people in charge of regulating these things need to know a lot about technology to do their jobs well.

We need to find a balance. If we regulate AI much it could stop new ideas from happening. If we do not regulate it enough people could be at risk of having their privacy violated being treated unfairly and having their security put at risk. So, India needs to create a set of rules for AI that lets technology move forward while also protecting people’s rights.

THE WAY FORWARD

To get ready for what’s coming India needs to have its own rules for AI, these rules should say what happens when something goes wrong make sure we can see what is going on with AI systems that can cause problems and make sure people are responsible, for the decisions made by AI. We need to make sure people’s private information is safe and their data is protected. A collaborative approach involving policymakers, technologists, businesses and civil society is

⁷ National Institution for Transforming India (NITI Aayog), National Strategy for Artificial Intelligence #AIForAll (2018).

essential. We need to teach people about AI and how to use computers and the internet in a way.

CONCLUSION

Artificial Intelligence has the potential to boost economic growth and improve our lives. It also raises some tough questions about who is responsible when things go wrong how to keep our personal information safe and what happens to the ideas and work that people create.

India has made some moves to get ready for AI. The government has made some policies and changed some rules to protect people's data. However, we still do not have a set of laws that are specifically made to deal with AI.

So even though India is getting ready for the future, with AI our laws are not fully ready to handle the issues that AI will bring. AI needs to be regulated in a way that helps new ideas happen while also making sure that people's basic rights are protected.