Need for a Legal Framework for AI in India

What is the issue?

Artificial Intelligence-/AI-driven tech will become counterproductive if a legal framework is not devised to regulate it.

What are the recent developments?

- Recently, the Kerala police inducted a robot for police work.
- Around the same time, Chennai got its second robot-themed restaurant.
- Here, robots not only serve as waiters but also interact with customers in English and Tamil.
- In Ahmedabad, a cardiologist performed the world's first in-human telerobotic coronary intervention on a patient nearly 32 km away.
- All these examples symbolise the arrival of Artificial Intelligence (AI) in everyday lives of human beings.

What are the global measures in this regard?

- Only recently, there has been interest across the world to develop a law on smart technologies.
- In the U.S., discussions are being taken up about regulation of AI.
- Germany has come up with ethical rules for autonomous vehicles.
- It stipulates that human life should always have priority over property or animal life.
- China, Japan and Korea are following Germany in developing a law on self-driven cars.

What is the need now in India?

- Traffic accidents lead to about 400 deaths a day in India, 90% of which are caused by preventable human errors.
- Autonomous vehicles that rely on AI can reduce this significantly, through smart warnings and preventive and defensive techniques.
- Patients dying due to non-availability of specialised doctors can be prevented with AI reducing the distance between patients and doctors.
- AI has several positive applications, as seen in the above examples.
- AI systems have the capability to learn from experience and to perform autonomously for humans.

- This also makes AI the most disruptive and self-transformative technology of the 21st century.
- So, if AI is not regulated properly, it is bound to have unmanageable implications.
- E.g. the consequence if electricity supply suddenly stops while a robot is performing a surgery and access to a doctor is lost
- These questions have already confronted courts in the U.S. and Germany.
- All countries, including India, need to be legally prepared to face such kind of disruptive technology.

What are the challenges involved?

- Predicting and analysing legal issues in regards with AI use and their solutions are not that simple.
- E.g. an AI-based driverless car getting into an accident that causes harm to humans or damages property
- In such cases, criminal law may face drastic challenges as the party to be held liable is disputable.

How is the AI policy progress in India?

- In India, NITI Aayog released a policy paper, 'National Strategy for Artificial Intelligence', in June 2018.
- The paper considered the importance of AI in different sectors.
- The Budget 2019 also proposed to launch a national programme on AI.
- But notably, all these developments are taking place on the technological front.
- No comprehensive legislation to regulate this growing industry has been formulated in India till date.

What should the priorities be?

- The first need is to have a legal definition of AI in place.
- It is essential to establish the legal personality of AI which means AI will have a bundle of rights and obligations, in the context of India's criminal law jurisprudence.
- Since AI is considered to be inanimate, a liability scheme that holds the producer or manufacturer of the product liable for harm must be considered.
- Moreover, since privacy is a fundamental right, certain rules to regulate the usage of data possessed by an AI entity should be framed.
- This should be a part of the Personal Data Protection Bill, 2018.

Source: The Hindu

