

Notes PS643-2024

Fri, 11th Oct 2024

Rights are broad ideas occupied by Constitutional level
Concrete laws is a necessity

Telegraph act in early 90s to IT Act in 2000, there were no acts/laws in between to govern data or AI

Laws generally have a logic behind them

IT Act of 2000 was a result of MNCs lobbying the government

Type of Indian policy was

Dirigisme - Government's controlled capitalism

Which changed to

Market capitalism - Allowing foreign companies to trade in India

Problem - Foreign companies exploiting Indian companies

Laws to safeguard Indian companies - IT Act

Amended in 2008 due to poor senseless laws

A new idea comes through a law

Rules are made to interpret that law

Laws have debates in the parliament

Bill is a first draft of a law

Lok sabha debates the bill

Suggestions to alter

Voting on the bill

If passes

Rajya sabha

President

Back and forth for correction

Cannot directly reject

If passed, then it becomes an act

Generally, bills introduced by a political party

Needs a majority to pass

Cannot vote against your party

Violates the mandate of the people

They vote for party manifesto

Hence, generally only party in power get their bills passed

Amendment is when the constitution gets changed
Needs 2/3rd majority

Individual bill is called private member bill
Since no party has the obligation to support
Rarely successful
Main reason - Using the parliament as a platform to consider the idea as a real bill

The committee on experts of data protection framework
Draft for Personal Data protection Bill in 2019
Suggested to read by Professor Guha
After 3 years of talking on the bill, they rejected it
Went through multiple edits

Final draft from 3 years was extremely different,
And the drafters refused to take accountability for the changed bill in front of the media

MITI came forward with a new draft -
Digital Personal Data Protection Act 2023

GDPR - Your personal data cannot be taken unless some reasons
DPDPA - Your data can be taken for these few reasons
Criticisms from provided PPT

Bill protects privacy
Privacy is of the employee as well as the organization
Employer can collect data to measure performance of the employee, which obstructs privacy

Jus Soli - Law of the soil
Indian law till 2004
Indian if born on Indian soil

Jus Sanguinis - Proof of the blood
Indian law of Citizenship 2004
Indian if any 1 parent is Indian

Kargil war 1999 - embarrassment for the government
Army infiltration inside India
National Identity Card to UIDAI Unique Identification
To prevent leakage
Puttaswamy objected privacy should be fundamental
Supreme court passed right to privacy but also Aadhar

Technically Aadhar is completely Voluntary
Due to indian system, Voluntary but Compulsory
Life becomes hard

TRAI Regulations - To safeguard from Telecom promotional calls

Aside from. Europe, most countries have including India does not have a law on AI yet
India does have a Policy

2017

Ministry of Commerce - Mrs. Nirmala

Made AI taskforce - Committee to write document detailing ministry's vision regarding AI

Taskforce report - first document regarding vision about AI in India
Goes through multiple sectors, leading to development and critical funding

Criticism-

Finances were optimistic and without proof
Impact of AI on humanity was not considered

2018

Niti Aayog teamed up with Google

Released paper - AI for all

Detailed report on how AI should be used in India

Problems-

Gave India as the garage model of AI

2022 - Responsible AI framework

India has 28 Police dept. with Facial recognition

Case study of digi yatra

Various State governments, Telangana

Supreme Courts, digitisation of court documents/departments

Read the original, when reading someone else criticizing something

E-Sansad shows every speech given in parliament