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India's approach to AI regulation

ACM India Summer School on
Responsible & Safe AI

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Questions

1. What are the different global approaches to AI regulation?
2. What is the current status of AI regulation in India?
3. How should India approach the regulation of AI?

AGENDA

1. Introduction - 5 minutes
2. Global AI governance - 15 minutes
3. Current AI policy landscape in India - 10 minutes
4. India's approach to AI regulation - 45 minutes
5. Q&A - 15 minutes

Total - 90 minutes

A little about me...

I'm a lawyer, policy advisor, researcher and teacher based in Bangalore, India.

My areas of interest include privacy, platforms and responsible AI. I work with businesses, think tanks, academics and policymakers. I enjoy spicy food, mellow music, and the mountains.

What I do



What I've done



My other interests








01.

What are the different global approaches to AI governance?






- Key principles of responsible AI
- Progress made at global forums in developing an AI governance framework
- Different global approaches to AI regulation (for example the EU's AI Act)

Key principles of AI governance

Values-based principles

	Inclusive growth, sustainable development and well-being >
	Human rights and democratic values, including fairness and privacy >
	Transparency and explainability >
	Robustness, security and safety >
	Accountability >

Recommendations for policy makers

	Investing in AI research and development >
	Fostering an inclusive AI-enabling ecosystem >
	Shaping an enabling interoperable governance and policy environment for AI >
	Building human capacity and preparing for labour market transition >
	International co-operation for trustworthy AI >

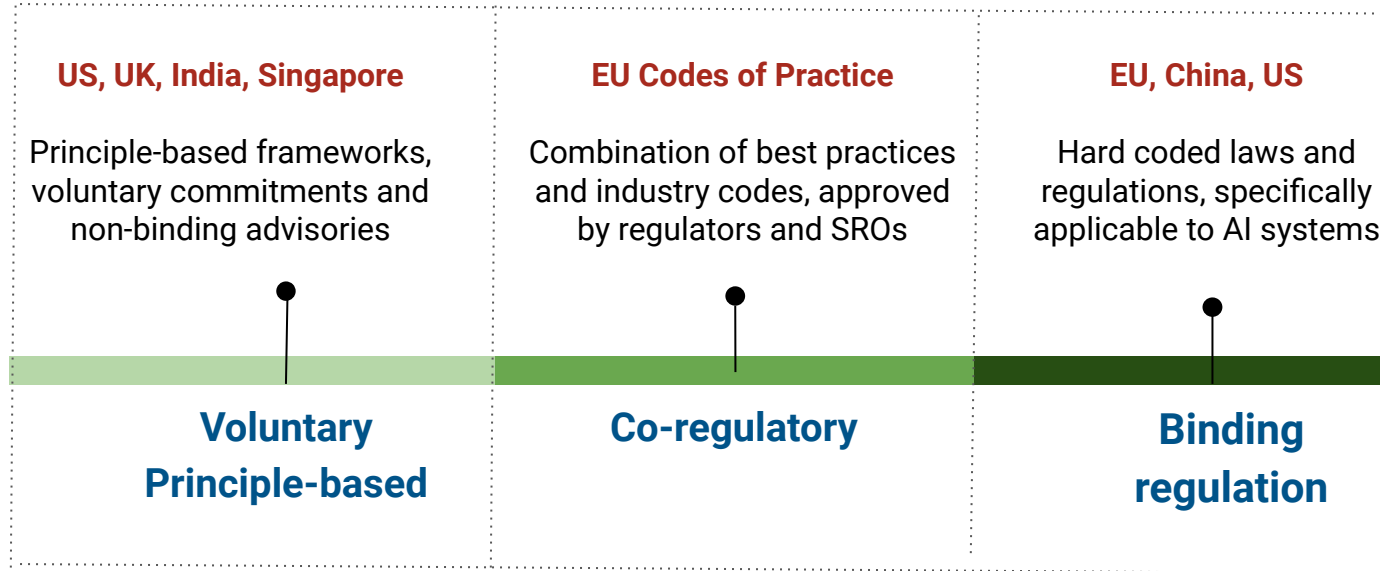
AI governance at global forums



Why do we need a global AI framework?

See: Amlan Mohanty, [“Why We Need a Global AI Compact”](#), Carnegie India (2023)

Global approaches to AI regulation



EU's approach to AI regulation

legal
nodes

AI ACT'S MAIN REQUIREMENTS OVERVIEW

RISK-BASED APPROACH.

The AI Act classifies AI systems into different risk categories based on their potential impact on users and society.

PROHIBITION OF CERTAIN AI PRACTICES.

The AI Act prohibits any AI system that tries to manipulate human behavior, exploit vulnerabilities, or support government social scoring. It says no to biometric categorization, predictive policing, and software that scrapes facial images from the internet to create databases.

HIGH-RISK AI SYSTEMS.

High-risk AI systems will have to meet specific requirements regarding transparency, data quality, documentation, human oversight, and robustness.

FOUNDATION MODELS AND GENERAL PURPOSE AI.

Providers of AI foundation models and general purpose AI systems will be subject to extensive documentation, transparency, and registration obligations.

SUPERVISION AND OVERSIGHT.

The AI Act sets up the European Artificial Intelligence Board (EAIB) and each EU member state will have to designate authorities responsible for monitoring and enforcing compliance with the proposed AI Act.

FINES AND PENALTIES.

Non-compliance with the AI Act can lead to hefty fines, up to 7% of the global annual turnover of the legal entity responsible for the AI system.



Provider

Persons* developing AI Systems or GPAI* Models for Release* under its name (for free or commercial use)



Deployer

Persons that use** AI Systems under its authority



Manufacturer

Persons that provide, distribute, or use AI Systems in the EU with their products under their own name or trademark



Importer

EU Persons that Release AI Systems bearing non-EU based Provider's name and mark



Distributor

Persons that make AI Systems available in the EU Market



Representative

EU Persons appointed by Provider to perform obligations under the EU AI Act



US Executive Order on AI

Scope of the Executive Order

The EO has a broad ambit and specifically addresses the governance of AI systems by federal agencies and regulated industries. It does not address AI for military and/or intelligence purposes.

Key principles: The EO incorporates eight key principles or objectives:

1. Safety and Security of AI Systems
2. Balancing Innovation and Competition
3. Worker Support
4. Consideration of AI bias and civil rights
5. Consumer protection
6. Privacy
7. Federal Use of AI
8. Global Leadership on AI

Types of obligations

- Developing best practices to mitigate AI's potential harms to employees' well-being
- Issuing reports, for example to mitigate cross-border risks to critical infrastructure
- Forming committees, for example an 'Artificial Intelligence Safety and Security Board'
- Rulemaking, for eg. on immigration policy to drive more talent to the US
- Coordinating implementation of AI issues at the federal level through a White House AI Council

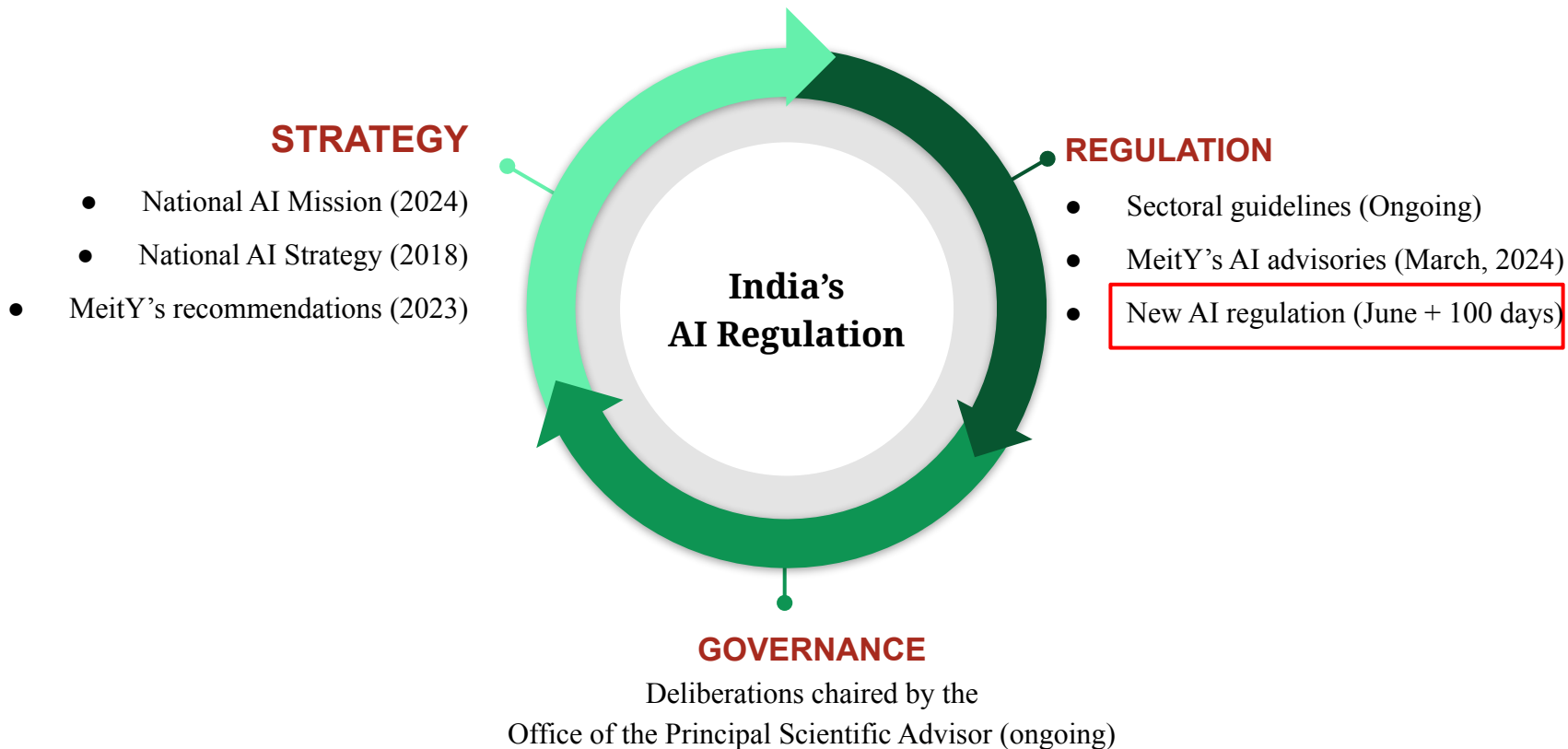
Key agencies involved: The EO directs 50+ federal agencies to engage in 100+ specific actions, including the department of Defence, Commerce, Labour, Energy, Homeland Security, Agriculture, etc.

03.

What has been India's approach to AI regulation?

- Social, economic and cultural factors influencing AI governance in India
- Current status of policy / regulation
- Key issues for AI regulation

Where things stand in India



Problems with MeitY's AI Advisory

1. **Applicability:** The advisory, while purportedly applying to all intermediaries and platforms, seems targeted at specific social media platforms outlined in the IT Rules,]
2. **Subjectivity:** Compliance with mandates of fairness and non-discrimination is challenging due to their subjective nature, especially in the absence of clear technical guidance or benchmarks.
3. **Traceability:** The advisory's requirement for platforms to identify the specific users behind AI-generated content, such as deepfakes, may pose technical challenges

[Source: Amlan Mohanty, Beyond the AI Advisory](#), Techlawtopia (2024)

02.

Which approach makes sense for India?

- What are the objectives of AI regulation?
- What is unique about the political and policy process in India?
- What is the current sentiment amongst key stakeholders on AI regulation?

Key Issues for AI regulation

Risk & Harm

Transparency

Accountability

Safety

Misinformation

Bias

Data &
Copyright

Platform
Classification

Governance &
Redressal

Does India need AI regulation?

What to regulate?

Do we need a new legal framework based on the function, context and risk of AI systems?

How to regulate?

Do we need new legal frameworks for transparency, accountability, fairness, and institutional governance in the context of AI?

Who will regulate?

Do we need a new body with domain expertise that can adjudicate disputes, provide technical guidance and investigate complaints relating to AI systems?

Regulatory Approach

1. What should India's approach to AI regulation be?
2. How should risk of AI systems be understood in the Indian context?
3. What is the role of self and co-regulation in AI governance for India?

Platform Accountability

1. How are AI systems currently regulated under Indian law?
2. Should different actors in the AI value chain be classified separately?
3. What types of obligations should be imposed on different entities?

Institutional Governance

1. What are some of institutional failures in the governance of technology?
2. Who should be in charge of governing AI in India?
3. Does India need a separate regulator for AI?

Enabling regulation

1. What are some areas in which the government can support growth and innovation in the AI ecosystem through policy and regulation?
2. Who should benefit from policy enablers for AI?
3. What is the role of a 'techno-legal approach' in AI governance?

THANK YOU

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