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Responsible Artificial Intelligence: Law and Ethics

Edited by

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Dr. Karnnika A. Seth

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"...Way back in 1955 when McCarthy had defined the term 'AI', at that point of time, it was defined as the science and engineering of making intelligent machines and programs. Little did they know at that point of time that AI will contribute $15.7 trillion to the world global economy . Its contribution in India is expected to reach $17 billion by 2028. Now having said that, we have seen the growing trend of AI use, how AI developed and we have seen portrayal of the same in movies like *The Circle and Social Dilemma*. Needless to say, AI can be channelised like two sides of the same coin, it can become a boon or a bane. It depends on how responsibly we use it.

Throughout the life cycle of AI, building AI from scratch, from its code to design, to development, to deployment and use, the Code of Responsible Use of AI by VIPS elucidates six key principles, *one* being transparency, so that there is no *black box*, and there is openness, transparency, justice and fairness; *second* pillar, to take out and weed out all the biases, societal or otherwise prevalent in society, which may percolate into the code; *third* is to keep data protection and privacy in place; *fourth* is the pillar of responsibility and accountability; f*ifth* is the human-centric approach that is ensuring trust and security. The AI based systems are required to be robust, reliable and instill inclusive growth; s*ixth* pillar, being the sustainability aligned with Sustainable Development Goals.

Now, legislators and local authorities, even worldwide, they have deliberated on the issue of Responsible Use of AI. The criminal justice system across jurisdictions is deploying AI to make its Access to Justice more efficacious. In India, also AI ought to be implemented with robust and accountable AI for efficacious dispensation of Justice. So, when we say that, we are considering deployment of AI and drafting regulations to govern it, we are working towards using AI to streamline legal processes in our High Courts and in the Supreme Court. We are considering using AI, in the e-filing processes, in production of electronic evidence, establishing AI based courts, therefore , AI has a huge potential in the Justice delivery system aswell. The proposed Digital India Act is expected to replace the IT Act,2000 containing provisions to regulate high risk AI systems.

In our currently enacted DPDP law also, there is clear emphasis on notice and consent requirements. So, there has to be a notice given to the person for example, if you're going on a website, and you're using a website, and you click on 'I agree' button, you have to read the terms and conditions, there has to be complete disclosure of what personal data is being collected, how it will be processed, for what time it will be kept, and what is the lawful use of the data that they will make, if they're sharing data then with whom, there has to be a consent manager appointed as well. These notice and consent requirements and principles for responsible use of AI are also evident in the Industry best practices and code of ethics for data scientists.

For data scientists too , it is important that compliance with applicable law is strictly observed. Again, notice & consent requirements, checking compliance of service providers, proper collection, processing of personal data , and ensuring data quality is free from biases is what data scientists need to consider while designing any code or handling data.

As regards the obtaining of consent and ability to opt out, user has been empowered. For instance, when you download a food app from the web, you know the service provider is under an obligation to take your consent. And if they are taking from you, pictures or video, galleries access, which is not needed for a food app, you are giving consent that is more than necessary. The DPDP Act actually puts an obligation on the service provider not to take the information more than is necessary to render a service. Therefore, there is a huge shift in data privacy and consumer law, which is empowering the users in India.A User has a right to access, user has the right to update information about himself and also restrict processing, withdraw his consent, and these rights are also reflected principles in the GDPR in Europe. Therefore, it is important for us to analyse this situation and understand how the contours of accountability and user rights will change with the current DPDP law.

So, coming back to the DPDP one more aspect, which I'd like to highlight is that although currently we have the IT Act in the country, it's soon going to be replaced by the Digital India Act . DIA together with the DPDP, will strengthen the data privacy regime in India and also regulate high risk AI systems.AI creators and deployers must thus imbibe principles of Responsible use of AI and abide with the requirements of emerging laws on data privacy. AI if used responsibly can protect nature, create a safer world for our future generations , and if used negligently or recklessly can play havoc, create cyber war and destruction in the world.

I conclude by saying that at this point in time, we need to work on how we can manifest and use AI in a way that improves our AI based systems, enhance its robustness, efficiency, bring economies of scale and I emphasise, the responsibility lies on each one of us. That when we are making use of AI, we remain mindful of the responsibility we owe not only to ourselves, but to our institution, our nation, and to this whole global community of cyber security, or even otherwise the world. We must pledge to follow and endorse these ethical principles of AI and use AI responsibly whenever we are using the Internet, or creating an AI, or deploying an AI in any industry ...."