# HUMAN ROBOT- UNDERSTANDING THE LEGAL DIMENSIONS OF AI


## ABSTRACT

Have you ever wondered that the core activities of homo sapiens (humans, of course), such as washing, clothing, entertainment, food delivery, medicine, etc., are being rapidly done by some kind of software and hardware which feels like it is integrated with a human mind? That's where the role of Artificial Intelligence (AI) comes into the picture. We are all, in some or the other way, aware of this term, right? In other words, AI is expected to be "essential to everything." Indeed, it is impossible to imagine a situation in which AI cannot enhance, accelerate, or otherwise assist in change. However, after all, these are merely machines that are human-made and human-run. They do not possess any ethics or morality. Apparently, this could sometimes lead to disastrous effects such as breach of privacy, threat to human rights, lawlessness, lack of equity and justice, etc., that no one could have imagined. This requires comprehensive legislation on AI and effective implementation of the same. In this paper, I shall be discussing what is AI, the need for AI, global measures for AI, India's stand on AI, legal and ethical issues of AI and various other important aspects.


## AN INTRODUCTION TO AI-

Intelligence is something which is related to mental ability. It is derived from a Latin word '*intelligo*' meaning "*to choose between different options*". With the emergence of time, intelligence has evolved into different meanings in different circumstances. As we all know Gen Z is all about computers, machines and technologies. Therefore, there was a need to apply this concept of intelligence in machines too. Following the trends of unmet demands, AI has proved to be a promising tool for meeting those demands. The definition of AI was given by John McCarthy, a computer scientist at Stanford University, in his article "What is Artificial Intelligence?" published in the year 2004. He is often known as the "Father of AI". He defines AI as "*the science and engineering of making intelligent machines, especially intelligent computer programs. It is related to the similar task of using computers to understand human intelligence, but AI does not have to confine itself to methods that are biologically observable*."[1] Its presence can be found everywhere and in everyday life. Be it shifting the workload of washing your clothes to a washing machine, being too lazy to go to a restaurant and ordering the food at your leisure, or stuck on a question and searching for the answer on a search machine. This surge in research and technological effort reflects how AI-powered apps have begun to impact practically every aspect of human life. At least in one area, government policy has fallen behind technical innovation. Policymakers are trying hard to keep up. There is no agreed set of best practices for AI policymaking because the field is so novel.

## NEED FOR AI-

The potential need for AI can be unlimited. It is not confined to a single sector; rather, it is required in almost every field of life, such as medicine, industry, transport, tourism, etc. The list is never-ending because the needs are never-ending in nature.

[1] McCarthy, J. (2012). *What is AI? / Basic Questions*. Stanford. Retrieved May 23, 2022, from http://jmc.stanford.edu/artificial-intelligence/what-is-ai/index.html


- In the social sphere- society is made up of individuals and vice-versa. In the education field, AI has introduced the idea of smart-classrooms and digital classes. During the COVID era, when it was impossible for children to attend physical classes, AI became the ultimate solution. The introduction and improvement of drugs and pharmaceuticals, as well as the use of AI-enabled machines, have all boosted future medical practices.
- In Economic Sphere- To make critical choices, a company relies largely on real-time reporting, consistency, and the processing of massive amounts of numerical data. Augmented intelligence, bots, and automation aid in streamlining corporate processes. Countries such as the UK have already made the decision to enable self-driving cars on roads.
- In tourism sector- AI enables you to let you know everything about the places you are planning to visit. It enables mapping, ticket bookings, hotel bookings, weather conditions, famous tourist places, speech recognition to communicate with other native people, and much more!

## LEGAL AND ETHICAL CHALLENGES OF AI-

- Justice and Equity- Members in society may become financially deprived owing to an absence of availability to different AI-based technologies, hence fair access to AI is

equally crucial. The perfect example to this inequality to access AI can be seen during COVID-19 times, wherein children from weaker sections especially girls were deprived of mobile, laptops and internet connections to attend the online classes. To guarantee that AI systems try to represent a fair and reasonable conclusion that maintains equality in society, they should be rigorously tested, supervised, and evolved under specified moral programming.

- Data accessibility, privacy, and consumer protection - Privacy and consumer protection are high-profile and frequently controversial policy topics. AI systems extract information about individuals from data acquired from and about them. As a result, corporations and governments have access to vast amounts of behavioural and biographical data, which represents a person's past and is subsequently utilised by AI-based algorithms to forecast that person's future conduct. The rational discussion over privacy rights is exemplified by AI-enabled biometric authentication. Face recognition technology, when combined with video surveillance capabilities, allow persons to be recognised and followed in real time, often without their agreement or permission. For example- The Republic of China is utilizing the facial recognition technology exclusively in Xinjiang to collect data about the Uighur Muslim population. This has indeed concerned to threat the lives of the minority population.

- Liability and Partiality- the liability to prove any wrong committed by malfunctioning of AI is very difficult. As there are so many parties involved such as manufacturer, programmer, retailer, owner, developer, designer, etc. the burden to prove the liability has become complicated. Unfortunately, the current law has also failed to redress the victims suffered by AI. It can become more complicated when any machine far from any human-

control and is fully autonomous.[2] Apparently, as AI is designed by humans, the probability of biasness towards a particular individual or group can become problematic. This can be used as a serious weapon for promoting hatred and alienation in the groups.

- Intellectual Property Rights- AI is reshaping the IP environment, challenging fundamental assumptions and driving IP regulating agencies to modernize. AI-related IP policymaking is a relatively young field, with no explicit government guidance. Established notions of who creates IP and hence retains it, what forms of AI-related elements and outputs comprise IP, and how AI-related IP infringements are handled are all challenged by AI occur. For instance, while AI-related patent filings are on the rise, intellectual property law does not cover AI sets of data or algorithms compilations (for example, the training data sets for an AI system) which are essential elements in AI systems.[3]
- Ethics and Norms- The core ethical challenges of autonomy, non - maleficence, justice, and respect for knowledge are all addressed by AI. Arguments that AI might endanger human jobs, be misused by malevolent players, dodge accountability, or mistakenly convey prejudice, thus undermining justice, are also widespread. Excessive introduction of AI in an industry can led to degradation of human skills and unemployment. This in turn, will create more boundaries between the rich and the poor.

## AI-RELATED GLOBAL MEASURES

AI's expanding spectrum of applications is having both beneficial and negative implications in the real world. As a result, heated and often emotional arguments about how governments might develop rules to deal with a world increasingly molded by AI have risen. Following are some countries that has stressed their policy towards AI-

[2] Gluyas, L., & Day, S. (n.d.). *ARTIFICIAL INTELLIGENCE - WHO IS LIABLE WHEN AI FAILS TO PERFORM?* CMS. Retrieved May 23, 2022, from https://cms.law/en/gbr/publication/artificial-intelligence-who-is-liable-when-ai-fails-to-perform

[3] ENGELKE, P. (2020). *AI, Society, and Governance: An Introduction*. Atlantic Council. http://www.jstor.org/stable/resrep29327

i. Canada: It was the first country to release a national policy for AI. The Pan-Canadian AI strategy, which was revealed in the 2017 federal budget, is a five-year, C$125 million investment plan in AI research and development.
ii. Japan: this was the second country to announce a national policy for AI. With the goal of developing long-term solutions to improve human existence in Japan, Society 5.0 was published in 2017. The Industrialization Roadmap is Japan's three-phase AI development strategy. It views AI as a service and divides AI development into three stages.
iii. Saudi Arabia- it is the first-ever country to provide a citizenship to robot (Sophia) in 2017.
iv. UAE- The UAE was the first government in the world to establish an Artificial Intelligence Ministry and the first in the Middle East to unveil an AI policy.

## INDIA'S STAND ON AI AND RECENT TRENDS-

In India, the concept of Artificial Intelligence is not new and is progressing day by day. In June 2018, NITI Aayog presented the National Strategy for Artificial Intelligence (NSAI) discussion paper, as per the mandate given to it by the Hon'ble Finance Minister in the 2018 - 2019 Budget Speech. India has stressed on the theme "AI for All". The strategy has been created with keeping

in mind various judgements and constitutional provisions such as equality, transparency, privacy, justice, etc.[4]

The Defence Artificial Intelligence Council (DAIC), chaired by Defence Minister Rajnath Singh, was recently created to give comprehensive supervision and support for initiatives incorporating cutting-edge technologies. India plans to produce 25 defense-specific AI products by 2024, according to Singh. India has also established the Defence AI Project Agency (DAIPA), which has a budget for AI initiatives of 100 Indian crores ($13.2 million). US India Artificial Intelligence (USIAI) Initiative launched by Indo-U.S. Science and Technology Forum (IUSSTF) in 2021 provides will serve as a forum for discussing potential, problems, and impediments to bilateral AI R&D collaboration, as well as enabling AI innovation, sharing ideas for AI workforce development, and recommending modes and methods for accelerating collaborations.[5]

THE WAY FORWARD-

With the above-discussed challenges of AI, a comprehensive legislation for the same can be the ultimate solution. There are some few points which can be kept in mind while policymaking-

[4] Niti Aayog (2018). *The Need for Responsible AI*. www.Niti.Gov.In. Retrieved May 23, 2022
[5] Department of Science & Technology. (2021). *US India Artificial Intelligence (USIAI) Initiative launched*. Retrieved May 23, 2022, from https://dst.gov.in/us-india-artificial-intelligence-usiai-initiative-launched

Government policy that is proactive can help strike a balance. Regardless of data ownership, one method is to explain and thereafter govern data allowance safeguards. Who is authorised to do what, with what data, and under what conditions is the policy question. Countries such as EU and France have already came up with different acts to place individual privacy over privilege.[6]

Policymakers must maximise the benefits of AI in particular. Using human resources to create innovation ecosystems while lowering costs of negative labour consequences. Politicians should support high-skilled potential talent immigration through as many options as possible, including citizenship for those migrants who demonstrate a desire to stay and contribute in the long term to the host country. Workers will need to learn new skills that are versatile throughout their professional life, and at a quicker rate with each passing year.

## CONCLUSION

With time, AI will become a more frequent tool in a variety of professions. As a result, legislators and regulators have a greater burden of change than innovators seeking IP protection and other legal challenges. Therefore, there is an immediate need for implementation of the same.

[6] ENGELKE, P. (2020). *AI, Society, and Governance: An Introduction*. Atlantic Council. http://www.jstor.org/stable/resrep29327