

DAILY PT POINTERS

9th April, 2024



Different approaches to AI regulation

Amid the global movement towards regulating AI systems, India's response would be crucial, with the nation currently catering to one of the largest consumer bases and labour forces for technology companies. India's path must align with its SDGs while also ensuring that economic growth is maintained

LETTER & SPIRIT

G. S. Bajpai

The Artificial Intelligence (AI) space has seen certain developments crucial to its regulation in recent years – the United Nations' Resolution on Artificial Intelligence, the AI Act by the European Parliament, laws introduced on AI in the U.K. and China and the launch of the AI mission in India. These efforts to formalise AI regulations at the global level will be critical to various sectors of governance in all other countries.

With the passing of the United Nations' Resolution on Artificial Intelligence, the need and associated discourse on the regulation of AI has entered a new phase. A global acknowledgement of the risks associated with AI systems and the urgent need to promote responsible use was at the centre of the adopted resolution. It was recognised that unethical and improper use of AI systems would impede the achievement of the 2030 Sustainable Development Goals (SDGs), weakening the ongoing efforts across all three dimensions – social, environmental, and economic. Another controversial aspect mentioned in the UN resolution has been the plausible adverse impact of AI on the workforce. It would be imperative, especially for developing and least developed countries, to devise a response as the labour market in such countries is increasingly vulnerable to the use of such systems. In addition to its workforce, the impact on small and medium entrepreneurs also needs to be ascertained. Thus, being the first of its kind, the Resolution has shed light on the future implications of AI systems and the urgent need to adopt collaborative action.

The EU's approach

The EU recently passed the AI Act, the foremost law establishing rules and regulations governing AI systems. With its risk-based approach, the Act categorises



GETTY IMAGES

systems into four categories, namely unacceptable, high, limited, and minimal risks, prescribing guidelines for each. The Act prescribes an absolute ban on applications that risk citizens' rights, including manipulation of human behaviour, emotion recognition, mass surveillance etc. While the Act allows exemptions to banned applications when it is pertinent to law enforcement, it limits the deployment by asking for prior judicial/administrative authorization in such cases.

The landmark legislation highlights two important considerations – acknowledging the compliance burden placed on business enterprises, and start-ups, and regulating the much-debated Generative AI systems such as ChatGPT. These two factors warrant the immediate attention of

policymakers, given their disruptive potential and the challenges of keeping pace with such evolving systems.

China's stand on AI

Identifying risks is evident in the approach adopted by China, which focuses on prompting AI tools and innovation with safeguards against any future harm to the nation's social and economic goals.

The country released, in phases, a regulatory framework addressing the following three issues – content moderation, which includes identification of content generated through any AI system; personal data protection, with a specific focus on the need to procure users' consent before accessing and processing their data; and algorithmic governance, with a focus on security and

ethics while developing and running algorithms over any gathered dataset.

The U.K.'s framework

The U.K., on the other hand, has adopted a principled and context-based approach in its ongoing efforts to regulate AI systems. The approach requires mandatory consultations with regulatory bodies, expanding its technical know-how and expertise in better regulating complex technologies while bridging regulatory gaps, if any. The U.K. has thus, resorted to a decentralised and more soft law approach rather than opting to regulate AI systems through stringent legal rules. This is in striking contrast to the EU approach.

India's position

Amid the global movement towards regulating AI systems, India's response would be crucial, with the nation currently catering to one of the largest consumer bases and labour forces for technology companies. India will be home to over 10,000 deep tech start-ups by 2030. In this direction, a ₹10,300 crore allocation was approved for the India AI mission to further its AI ecosystem through enhanced public-private partnerships and promote the start-up ecosystem. Amongst other initiatives, the allocation would be used to deploy 10,000 Graphic Processing Units, Large Multi-Models (LMMs) and other AI-based research collaboration and efficient and innovative projects.

With its economy expanding, India's response must align with its commitment towards the SDGs while also ensuring that economic growth is maintained. This would require the judicious use of AI systems to offer solutions that could further the innovation while mitigating its risks. A gradual phase led approach appears more suitable for India's efforts towards a fair and inclusive AI system.

The author is the Vice Chancellor, National Law University Delhi, Jyotsna Prakash, Academic Fellow, NLU Delhi. Views are personal.

THE GIST

With the passing of the United Nations' Resolution on Artificial Intelligence, the need and associated discourse on the regulation of AI has entered a new phase.

Identifying risks is evident in the approach adopted by China, which focuses on prompting AI tools and innovation with safeguards against any future harm to the nation's social and economic goals.

With its economy expanding, India's response must align with its commitment towards the SDGs while also ensuring that economic growth is maintained.

- The **General Assembly** approved the first United Nations resolution on artificial intelligence.
 - The resolution, sponsored by the United States and co-sponsored by 123 countries, including China,
 - The resolution recognizes the rapid acceleration of AI development and use and stresses “the urgency of achieving global consensus on safe, secure and trustworthy artificial intelligence systems.”
- **EU passed the AI Act:** the Act categorises systems into four categories, namely unacceptable, high, limited, and minimal risks, prescribing guidelines for each.
 - The Act prescribes an absolute ban on applications that risk citizens' rights, including manipulation of human behaviour, emotion recognition, mass surveillance etc.
- Countries around the world, including the U.S. and China, and the Group of 20 major industrialized nations are also moving to draw up AI regulations.
- a ₹10,300 crore allocation was approved for the India AI mission to further its AI ecosystem through enhanced public-private partnerships and promote the start-up ecosystem

The Hindu-GS3(Environment)Page 12

Right against climate change a fundamental right, says SC

It says rights to life and equality cannot not be fully realised without clean, stable environment; underscores the important role solar power would play in arresting the ills of climate change

The Hindu Bureau
NEW DELHI

The Supreme Court has recognised a much-felt, but less-articulated right against the adverse effects of climate change as a distinct fundamental right in the Constitution.

"It is yet to be articulated that the people have a right against the adverse effects of climate change. This is perhaps because this right and the right to a clean environment are two sides of the same coin. As the havoc caused by climate change increases year-by-year, it becomes necessary to articulate this as a distinct right. It is recognised by Articles 14 (right to equality) and 21 (right to life)," the Supreme Court observed in a judgment released on April 6.

The judgment came in a case connected with the survival of the endangered Great Indian Bustard species.

An order was pronounced in open court on March 21, constituting an expert committee to examine the problem faced by the bird species whose natural habitat and flight



The court noted that the right to a healthy environment, safe from the ill-effects of climate change, was a fundamental human right.

routes collide with power transmission lines in Gujarat and Rajasthan.

The case had been posted for further hearing in August. However, the court, unannounced, uploaded a judgment during the weekend. The text of the judgment has several paragraphs on climate change and its adversities.

Linking the right against climate change to Articles 21 and 14, Chief Justice Chandrachud said the rights to life and equality could not be fully realised without a clean, stable environment.

"The right to health (which is a part of the right to life under Article 21) is impacted due to factors such as air pollution, shifts

in vector-borne diseases, rising temperatures, droughts, shortages in food supplies due to crop failure, storms, and flooding. The inability of underserved communities to adapt to climate change or cope with its effects violates the right to life as well as the right to equality... If climate change and environmental degradation lead to acute food and water shortages in a particular area, poorer communities will suffer more than richer ones," the judgment said.

The court also highlighted the interconnection between climate change and various human rights, including the right to health, indigenous rights, gender

equality, and the right to development.

The judgment noted that the right to a healthy environment, safe from the ill-effects of climate change, was a "fundamental human right".

India's solar potential

The court underscored the important role solar power would play in arresting the ills of climate change.

India needed to shift to solar power due to three issues – One, the country is likely to account for 25% of global energy demand growth over the next two decades; Two, rampant air pollution emphasises the need for cleaner energy sources; Three declining groundwater levels and decreasing annual rainfall.

By shifting towards renewable energy sources, India enhances its energy security, reducing reliance on volatile fossil fuel markets and mitigating the risks associated with energy scarcity.

Additionally, the adoption of renewable energy technologies helps in curbing air pollution, thereby improving public health and reducing healthcare costs.

- the Supreme Court in a judgement said that the "right against the adverse effects of climate change," falls under the scope of Articles 14 and 21 that guarantee rights to equality and life.
- Article 21 recognises the right to life and personal liberty while Article 14 indicates that all persons shall have equality before law and the equal protection of laws.
- These articles are important sources of the right to a clean environment and the right against the adverse effects of climate change.

Cochin Shipyard signs ship repair agreement with the U.S. Navy

Dinakar Peri
NEW DELHI

As India and the U.S. look to expand cooperation in ship repair and maintenance to turn India into a regional hub, Cochin Shipyard Limited (CSL) became the third Indian shipyard to enter into a Master Shipyard Repair Agreement (MRSA) with the U.S., which will enable to repair U.S. Navy ships.

The State-run shipbuilding facility in Kochi is the latest in the line after Larsen & Toubro (L&T) and Mazagon Dock Shipbuilders Ltd. (MDL)

L&T shipyard in Kattupalli near Chennai was the first Indian shipyard to sign the agreement in July last year. Last month, a U.K. naval ship arrived for the first time at Kattupalli for repairs.

“... The MSRA is a non-financial agreement and is



CSL became the third shipyard to enter into a pact with the U.S.

effective from April 5, 2024. This will facilitate repair of US Naval vessels under Military Sealift Command in CSL,” the entity said in a disclosure to stock exchanges, adding: “CSL has been qualified for entering into the MSRA after a detailed evaluation process and capability assessment by the US Navy - Military Sealift Command”.

Both India and the U.S. are quite keen on expanding cooperation in ship maintenance and repairs

as it benefits both countries, giving business and expertise to Indian shipyards while giving alternate options to the U.S. Navy for the smaller repairs of its ships without going faraway increasing their turnaround time and at a lesser cost.

In a joint statement issued after bilateral talks held between Prime Minister Narendra Modi and U.S. President Joe Biden in September last year, both sides recommitted to advancing India’s “emergence as a hub for the maintenance and repair” of forward-deployed U.S. Navy assets and other aircraft and vessels.

U.K. deploying its fleet

On March 26, the U.K.’s Littoral Response Group (LRG) arrived in Chennai as the first engagement of its deployment to the Indian Pacific region. The

U.K. High Commission said the Royal Fleet Auxiliary Argus and RFA Lyme Bay conducted maritime exercises with the Indian Navy as they entered the Arabian Sea and will undergo essential maintenance at L&T shipyard.

“The visit of LRG attests to the U.K.’s capability and commitment to the Indo-Pacific. The sight of Royal Navy ships undergoing essential maintenance at an Indian shipyard is yet another example of the India-UK Logistic Exchange Memorandum of Agreement in practice,” said Brigadier Nick Sawyer, Defence Advisor, British High Commission.

Following the completion of its maintenance in India, the LRG will operate in the Indo-Pacific to conduct training, exercises, and wider engagement with allies and partners, the statement added.

- **Cochin Shipyard** said it has signed the Master Shipyard Repair Agreement with the US Navy to further strengthen the partnership between the two countries in the defence sector.
- Cochin Shipyard Limited (CSL) became the third Indian shipyard to enter into a Master Shipyard Repair Agreement (MRSA) with the U.S., which will enable to repair U.S. Navy ships.
- The MSRA is a non-financial agreement and is effective from April 5, 2024. This will facilitate repair of US Naval vessels under Military Sealift Command in CSL

HEADLINES OF THE DAY

The Hindu-Economy(GSIII)-Page 13

DGTR calls for levy of anti-dumping duty on sodium cyanide



- The Directorate General of Trade Remedies (DGTR) has recommended the imposition of anti-dumping duty on sodium cyanide (NaCN) imported from China, the European Union, Japan and Korea.
 - Sodium cyanide is used in the extraction of gold and silver from their respective ores, in electroplating and the heat treatment of metals, and in making insecticides, dyes, pigments, and bulk drugs, etc.

Do you know ?

- Dumping is said to occur when the goods are exported by a country to another country at a price lower than its normal value.
- This is an unfair trade practice which can have a distortive effect on international trade.
- Anti dumping is a measure to rectify the situation arising out of the dumping of goods and its trade distortive effect.
- The use of anti dumping measure as an instrument of fair competition is permitted by the WTO.

Why VVPAT was brought in, why Oppn wants all slips verified

JAMINI NATH
NEW DELHI, APRIL 8

WITH THE first phase of voting set to take place on April 19, the Supreme Court (SC) last week said that petitions seeking 100% verification of Voter Verified Paper Audit Trail (VVPAT) slips would be taken up soon.

In March 2023, the Association for Democratic Reforms had filed a petition before the apex court saying that to ensure free and fair elections, the tally from Electronic Voting Machines (EVMs) should be cross-verified with the VVPATs. To make sure that his process is carried out as fast as possible, ADR suggested the use of arcodes on VVPAT slips.

What is a VVPAT machine? How does it work?

The VVPAT machine is attached to the ballot unit of the EVM, and provides visual verification for the vote cast by a voter by printing a slip of paper with the voter's choice on it. This slip of paper, containing the candidate's serial number, name, and party symbol, is displayed in the machine behind a

glass window, giving the voter seven seconds to verify her vote. Following this, the slip falls into a compartment underneath.

No voter can take the VVPAT slip back home, as it is later used to verify votes cast in five randomly selected polling booths. The idea is that by allowing for a physical verification of the electronically cast vote, both voters and political parties have greater faith in the process — that their vote is being recorded correctly.



A demo VVPAT machine at a school in Delhi in 2019. *Albinay Saha*

Why did the Election Commission introduce VVPATs?

The idea of the VVPAT machine first emerged in 2010, when the Election Commission of India (EC), held a meeting with political parties to discuss how to make the EVM-based polling process more transparent.

After a prototype was prepared, field trials were held in Ladakh, Thiruvananthapuram, Cherappunjee, East Delhi, and Jaisalmer in July 2011. After fine-tuning the design, holding more trials, and taking feedback from political parties, an EC expert committee approved the design in February 2013.

Later that year, the Conduct of Elections

Rules, 1961 were amended to allow for a printer with a drop box to be attached to the EVM. The VVPAT was used for the first time in all 21 polling stations of the Noksen Assembly constituency of Nagaland in 2013, after which the EC decided to introduce VVPATs in a phased manner. By June 2017, there was 100% adoption of VVPATs.

Why are VVPAT slips of only five polling booths randomly counted?

To determine what percentage of VVPAT machines' slips need to be counted to verify the accuracy of an election, the EC, in 2018, asked the Indian Statistical Institute (ISI) to come up with a "mathematically sound, statistically robust and practically cogent sample size for the internal audit of the VVPAT slips with electronic result of EVMs", the EC mentioned in an affidavit it has filed in the Supreme Court.

In February 2018, the EC mandated the counting of VVPAT slips of one randomly selected polling station per Assembly constituency. This was increased to five polling stations per Assembly seat, following a Supreme Court judgment in April 2019 on a petition filed by TDP leader Chandrababu Naidu. The five polling stations are selected by a draw of lots by the Returning Officer concerned, in the presence of candidates/their agents.

What have been the legal cases surrounding the VVPAT?

The VVPAT has been a subject of multiple legal cases, starting with *Subramanian Swamy vs Election Commission of India*, in

which the SC ruled that a paper trail was indispensable for free and fair elections, and ordered the government to provide funding for the roll-out of VVPATs.

In 2019, Chandrababu Naidu moved the SC asking for a minimum 50% randomised VVPAT slips to be counted. The EC, however, argued that if this were to happen, results would be delayed by five to six days. Moreover, it pointed to ISI's calculations which found that even counting of slips from 479 randomly selected VVPATs across the country would guarantee over 99% accuracy — but the EC's guideline at the time of verifying slips from one polling station per constituency would have led to counting of 4125 VVPATs.

Nonetheless, the court ordered the EC to count VVPATs in five polling stations instead.

Why does the EC not want to count 50% VVPAT slips?

As per a previous submission in the SC, the EC claims that it takes about an hour for election officers to match VVPAT slips with the EVM count in one polling station. Moreover, since the counting of VVPAT slips can begin only after EVM votes for the concerned polling station have been tabulated,

for five polling stations, it would mean a delay of five hours in all EC sources said. The EC has also highlighted infrastructure challenges, including the availability of manpower, as obstacles to increasing the number of polling booths where VVPAT slips are counted.

Why are political parties demanding widened verification of VVPAT slips?

Opposition parties continue to call for verification of more polling booths to make voting more transparent. They argue that the sanctity of a fair election outweighs the concern of delay in the declaration of results.

Parties have called for anything from 50% to 100% verification of VVPAT slips. In December, the Opposition INDIA alliance, which includes the Congress, the Communist Party of India (Marxist), the Communist Party of India, the Trinamool Congress, the DMK and the Samajwadi Party, passed a resolution demanding 100% verification of VVPAT slips. The INDIA Alliance has sought time to meet Chief Election Commissioner Rajiv Kumar to discuss their concerns.

However, the EC has, thus far, been reluctant to do so. As per EC sources, the EVM and VVPAT concerns have been litigated and addressed by the Commission many times.

The VVPAT machine is attached to the ballot unit of the EVM, and provides visual verification for the vote cast by a voter by printing a slip of paper with the voter's choice on it. This slip of paper, containing the candidate's serial number, name, and party symbol, is displayed in the machine behind a glass window, giving the voter seven seconds to verify her vote. Following this, the slip falls into a compartment underneath.

HEADLINES OF THE DAY

Indian Express-Places (GSI)-Page 13

Zaporizhzhia attacked again: the nuclear risks from reckless military action

Russia, which has been in control of the facility, Europe's largest, for almost two years now, accused Ukraine of launching the attacks.

- Zaporizhzhia is located on banks of the Dnieper river, with the Khortytsia island splitting it into two streams. The city's area is 331 square kilometers, and it is the fifth largest city in Ukraine

