

## COMPARATIVE STUDY OF ARTIFICIAL INTELLIGENCE LEGISLATION AND LAWS IN MAJOR NATIONS AROUND THE WORLD

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### ABSTRACT

*In today's time, it is crucial to frame laws and regulations on artificial intelligence. Some nations are ahead by incorporating laws that govern artificial intelligence. The European Union, the United Kingdom, China, and the United States of America are at the forefront to come up with AI-based legislation. Protection of data isn't just the primary concern it is also the effective use of artificial intelligence in legislation, a special board just for this purpose, data collected is not used for unethical purposes, and AI does not erase data to favour anybody. Developed nations should come forward and support their allies in forming uniform legislation on AI. AI has numerous applications in the field of robotics, automobiles, defence weapons, finance, banking, agriculture, self-driven cars, virtual assistant, chatbot, etc. To make artificial intelligence user-friendly, a framework to govern AI legislation and laws is the need of the hour.*

**KEYWORDS-** Artificial intelligence, EU AI Act, AI Rulebook, AI Legislation, Data protection

“It seems probable that once the machine thinking method had started, it would not take long to outstrip our feeble powers. They would be able to converse with each other to sharpen their wits. At some stage, therefore, we should have to expect the machines to take control<sup>1</sup>.”

*Alan Turing*

### INTRODUCTION

Artificial intelligence has started to take over every aspect of our life. Computers were made to help humans in doing work efficiently and effectively in a time-bound manner. The whole purpose behind the invention of the computer or machines was to make things easier and to lessen the workload, it has done so but now we are dependent on technology for everything. Instead of going to the library, we Google it and use Amazon Alexa to play music or switch on lights. A recent example of ChatGPT wherein we use artificial intelligence to aid our task.

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\*LAW GRADUATE.

<sup>1</sup><https://analyticsindiamag.com/ten-famous-quotes-about-artificial-intelligence>

While we have accepted and made technology a part and parcel of our lives. Our legal systems are behind in incorporating artificial intelligence into the system.

## **UNDERSTANDING ARTIFICIAL INTELLIGENCE**

Artificial intelligence (AI) refers to the simulation of human intelligence in machines that are programmed to think and learn like humans. It involves the development of computer programs and algorithms which are capable of performing a task that requires human intelligence such as decision-making, speech recognition, visual perception, and language translation. AI has numerous applications in the fields of robotics, finance, banking, entertainment, chatbot, virtual assistant, and self-driving cars. However, AI is not circumscribed to this sector alone it can be used in the legal system. For that, we have to have artificial intelligence laws and regulations which can elaborate on the to-dos and don'ts of AI. It is substantial to understand the implications of the positive and negative downside of artificial intelligence and how it can be accommodated in the justice system.

## **HOW MANY COUNTRIES HAVE AI-BASED LAWS?**

According to The OECD AI Policy Observatory (OECD.AI) which is the first intergovernmental standard on artificial intelligence adopted in May 2019 by the OECD countries, 69 sixty-nine<sup>2</sup> countries, territories, and European Union have artificial intelligence laws and regulations. The OECD AI Principles<sup>3</sup> provided the basis for the G20 AI Principles endorsed by Leaders in June 2019.

## **ARTIFICIAL INTELLIGENCE LEGISLATION IN MAJOR NATIONS AROUND THE WORLD**

- THE EUROPEAN UNION ARTIFICIAL INTELLIGENCE ACT

The European Union has unfailingly been at the forefront to set global standards which are later followed by nations of the world. This is not the first time that the EU is the first nation to come ahead in framing advanced law by contemplating emerging trends of technology, earlier in 2018 European Union framed General Data Protection Regulation (GDPR). European Union realized that websites, search engines, and apps collect data of its natural citizens and how it is germane to protect such data.

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<sup>2</sup>The Organisation for Economic Cooperation and Development <<https://oecd.ai/en/dashboards/overview>>

<sup>3</sup>The Organisation for Economic Cooperation and Development <<https://oecd.ai/en/about>>

The European Union Artificial Intelligence Act also known as EU AI Act is the first ever law on AI in the world. This act has divided AI into three risks<sup>4</sup>categories:

Unacceptable risk – Applications and systems that create an unacceptable risk.

High-risk applications – such as a CV-scanning tool that ranks job applicants, are subject to specific legal requirements.

Unregulated applications are neither banned nor not listed as high risk.

### **SOME OF THE IMPORTANT PROVISIONS OF THE ACT<sup>5</sup>**

TITLE II – Prohibited Artificial Intelligence Practices.

TITLE IV – Transparency Obligations for Certain AI Systems

TITLE V – Measures in Support of Innovation

TITLE VI – Governance, which the European Artificial Intelligence Board will work to warrant compliance with the act.

TITLE VIII – Post–Market, Information Sharing, Market Surveillance

Even though there are certain loopholes in the legislation nevertheless it aims to protect that Artificial Intelligence does not overpower and create a negative impact on the citizen. By creating such a law, it has set the benchmark for other nations to follow.

- **ARTIFICIAL INTELLIGENCE RULEBOOK IN UNITED KINGDOM**

The United Kingdom has left the European Union but it doesn't mean that the UK will be left in legal advancements. The United Kingdom is aware of the need to have strong legislation to micromanage artificial intelligence. In July 2022, it unveiled the “AI Rulebook<sup>6</sup>”. It defines AI for general purposes and is nonidentical in comparison to the EU AI Act. This act encapsulates the purpose for which AI will be regulated, making a board that will ensure implementation. This act will not obstruct innovations and will supervise by calculating risk. The underline purpose is to frame guidelines that will be updated with a technology shift.

There are critical challenges that need to be addressed to ensure effective compliance with the AI Rules. Still, there is a lack of transparency as to how the legal framework and regulations

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<sup>4</sup>The European Law on Artificial Intelligence <<https://artificialintelligenceact.eu/>>

<sup>5</sup>The European Law on Artificial Intelligence <<https://artificialintelligenceact.eu/the-act/>>

<sup>6</sup>Secretary of State for Digital, Culture, Media and Sport, ‘Establishing a pro-innovation approach to regulating AI’ ISBN: 978-1-5286-3639-1<<https://www.gov.uk/government/publications/establishing-a-pro-innovation-approach-to-regulating-ai/establishing-a-pro-innovation-approach-to-regulating-ai-policy-statement#executive-summary>>22<sup>nd</sup> April 2023

will work. Even though the act has some inconsistencies still it is admirable to see that developed nations are coming forward to make legislation AI-friendly.

Earlier this year on March 29, 2023, the United Nations came forward by bringing out a paper titled “A pro-innovation approach to AI regulation”. The objective of this paper was a versatile regulation that incorporates the use of artificial intelligence by a citizen for their maximum advantage.

- **ARTIFICIAL INTELLIGENCE BILL OF RIGHTS IN THE USA**

As per the Legatum Prosperity Index 2023, The United States of America ranks 19<sup>th</sup> out of 167 nations in terms of prosperity. The United States is one of the superpowers in the world and leading in the field of technology. However, in terms of artificial intelligence legislation, there is no uniformity as there are some states in the USA that have laws and legislation concerning artificial intelligence.

### **US CHAMBER OF COMMERCE TECHNOLOGY ENGAGEMENT CENTRE**

An executive summary was prepared by the U.S Chamber of Commerce Technology Engagement Centre earlier this year on March 9 titled “Commission on Artificial Intelligence Competitiveness, Inclusion, and Innovation<sup>8</sup>”. Realizing the importance of artificial intelligence in our daily lives and its impact on society as a whole it is important to have regulations. Taking inspiration from European Union’s GDPR and The European Union Artificial Intelligence Act, the USA feels that amidst all the technological breakthrough which has their own merits and perils, it is high time to frame regulations around them. This report mentions that by the end of 2030, this AI would have created economic growth of \$13 trillion. AI is present everywhere right from hospitals or helping unemployed people find a suitable job that matches their profile, to the field of robotics, automobiles, and so much more.

The prominent takeaway from this report was –

1. Considering the growth of AI in the next 20 years everything from business to government will use artificial intelligence for better productivity.

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<sup>7</sup>The Legatum Prosperity Index <[https://www.prosperity.com/globe/united-states#:~:text=United%20States%20\(Ranked%2019th\)%20%3A%3A%20Legatum%20Prosperity%20Index%202023](https://www.prosperity.com/globe/united-states#:~:text=United%20States%20(Ranked%2019th)%20%3A%3A%20Legatum%20Prosperity%20Index%202023)> 21<sup>st</sup> April 2023

<sup>8</sup>U.S. Chamber of Commerce Technology Engagement Center, ‘Commission on Artificial Intelligence Competitiveness, Inclusion, and Innovation’2023 <[https://www.uschamber.com/assets/documents/CTEC\\_AICommission2023\\_Exec-Summary.pdf](https://www.uschamber.com/assets/documents/CTEC_AICommission2023_Exec-Summary.pdf)>

2. To ensure the ethical deployment of artificial intelligence laws and regulations which protect innovations and citizens' interests must be framed. Not doing so will create a negative impact and hinder innovation in the field of AI.
3. At present, this should be the priority of the present government of the United States of America. The USA needs to come as a leader to maintain a superpower image in a global economy. While doing so the USA should also support its allies in this pursuit.

In 2022, 15 states and localities proposed or passed legislation concerning AI. New York City introduced one of the first AI laws<sup>9</sup> in the U.S., effective from January 2023, which aims to prevent AI bias in the employment process. Colorado and Vermont created task forces to study AI applications, such as facial recognition, at the state level.

At present, this report just recommends how the policy around artificial intelligence should be framed. It is the ultimate aim of the present government to make federal uniform legislation that monitors artificial intelligence and at the same time protects the interest of citizens. Before this report, there was the National Initiative Act 2021 which was initiated to strengthen AI research and development in all departments and agencies of the USA. Thereafter there was The Algorithm Accountability Act 2022 which was presented in both houses of Congress and to date is still pending.

- ARTIFICIAL INTELLIGENCE LEGISLATION IN CHINA

Technology and Innovation Report 2023<sup>10</sup> released by United Conference on Trade and Development ranks China on 35<sup>th</sup> rank as the readiest developing country. China has come up with a law to regulate artificial intelligence in 2022 titled “Internet Information Service Algorithmic Recommendation Management Provisions<sup>11</sup>”. The spotlighted takeaways are :

1. AI should be user-friendly, especially for elderly
2. Measures will be taken to ensure that algorithms don't generate fake news.
3. Another important aspect is that it will keep a check that no monopoly is created by algorithms and fair competition among the service provider.

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<sup>9</sup>Jordan Shapiro& Jillian Cota, 'An Overview of Global Ai regulation and What's next' 8 March 2023<<https://www.progressivepolicy.org/blogs/an-overview-and-of-global-ai-regulation-and-whats-next/>>19 April 2023

<sup>10</sup>UNCTAD, 'Technology and Innovation Report 2023'<[<sup>11</sup>Rogier Creemers, Graham Webster, Helen Toner. 'Translation: Internet Information Service Algorithmic Recommendation Management Provisions – Effective March 1, 2022' 10<sup>th</sup> January 2022 <<https://digichina.stanford.edu/work/translation-internet-information-service-algorithmic-recommendation-management-provisions-effective-march-1-2022/>> 20<sup>th</sup> April 2023](https://unctad.org/tir2023#:~:text=China%2C%20the%20most%20dready%20developing,and%20South%20Africa%20(56)></a></p></div><div data-bbox=)

- INDIA'S STANCE ON ARTIFICIAL INTELLIGENCE LEGISLATION

At present that there are no specific laws and regulations for artificial intelligence legislation in India. India does have The Information Technology Act 2000 which protects personal information. However, India is moving towards framing regulations to govern artificial intelligence, following is the timeline of the events:

### **ARTIFICIAL INTELLIGENCE TASK FORCE**

In August 2017 an Artificial Intelligence Task Force was set up by The Union Ministry of Commerce and Industry. For India to become the leader in artificial intelligence it is important to analyse the role of artificial intelligence in legal, economic, and political spheres.

In 2018 report suggested establishing The National Artificial Intelligence Mission in India and identified ten sectors<sup>12</sup> relevant to the field of artificial intelligence in India:

1. Fintech
2. Health
3. Agriculture
4. Manufacturing
5. Retail
6. National security
7. Public utility services
8. Technology to help differently abled
9. Environment
10. Education

In 2018 four committees<sup>13</sup> were set up by The Union Ministry of Electronics and Information Technology to prepare a proper framework for artificial intelligence in India.

### **NITI AAYOG'S NATIONAL STRATEGY FOR ARTIFICIAL INTELLIGENCE**

In May 2018 NITI Aayog partnered with Google to train startups in developing solutions with the help of artificial intelligence. NITI Aayog approach is Artificial Intelligence for All.

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<sup>12</sup>Vidushi Marda, 'Artificial Intelligence Policy in India: A Framework for Engaging the Limits of Data-Driven Decision-Making' 10<sup>th</sup> September 2018 <[Artificial Intelligence Policy in India: A Framework for Engaging the Limits of Data-Driven Decision-Making by Vidushi Marda :: SSRN](#)> 22<sup>nd</sup> April 2023

<sup>13</sup>Surbhi Agarwal, 'IT Ministry has formed four committees for Artificial Intelligence: Ravi Shankar Prasad' 9<sup>th</sup> February 2018 <[artificial intelligence: IT ministry has formed four committees for Artificial Intelligence: Ravi Shankar Prasad - The Economic Times \(indiatimes.com\)](#)> 20<sup>th</sup> April 2023



The third paper titled “Responsible AI for All: Adopting the Framework – A use case approach on Facial Recognition Technology”<sup>14</sup> released in November 2022, emphasized facial recognition and the risk associated with it and the necessary regulations required to monitor the same.

### **THE DIGITAL PERSONAL DATA PROTECTION BILL 2022**

The Ministry of Electronics and Information Technology released a bill titled “The Digital Personal Data Protection Bill”. The Bill contains essential provisions on how personal information is used, a Compliance Framework which mandates to set up Data Protection Board of India, and penalties for not complying with provisions of the law.

### **USE OF CHAT GPT BY PUNJAB & HARYANA HIGH COURT**

Recently, Punjab and Haryana High Court was the first court<sup>15</sup> in India to use Chat GPT and took help to decide bail plea and rejected the petition. The bench was led by Justice Anoop Chitkara who sought a response from Chat GPT hearing bail application.

Two-day Digital Accessibility Information and Communication training was provided by the E-Committee of the Supreme Court of India for visually challenged judicial officers and court staff from April 17-18, 2023. The purpose was to use artificial intelligence techniques for the visually impaired in office handling purposes, how documentation, note taking, and judgment search with AI-based assistive technology.

### **CONCLUSION**

Artificial intelligence has become an indispensable part of our lives. Humans made technology to benefit society at large, at this point the framework to regulate AI is crucial. European Union is already ahead by GDPR and The EU AI ACT, the UK is working on the loopholes in AI Rulebook, the USA requires federal legislation, China also working to emerge as the leader in AI regulation, and amidst all this India is little behind as till date we don't have laws on privacy and legislation on artificial intelligence is still in the planning stage. To emerge as a global initiative India needs to up its game and developed nations around the world should support its allies in making such a law. Since the world is becoming a global village, an international organization must be formed to frame global standards and

<sup>14</sup>NITI Aayog, ‘Responsible AI for All: Adopting the Framework – A use case approach on Facial Recognition Technology’ November 2022 <[https://www.niti.gov.in/sites/default/files/2022-11/Ai\\_for\\_All\\_2022\\_02112022\\_0.pdf](https://www.niti.gov.in/sites/default/files/2022-11/Ai_for_All_2022_02112022_0.pdf)> 22<sup>nd</sup> April 2023

<sup>15</sup>ANI News Service, ‘In a first, Punjab and Haryana HC uses Chat GPT for deciding upon bail plea’ 28 March 2023 <<https://theprint.in/india/in-a-first-punjab-and-haryana-hc-uses-chat-gpt-for-deciding-upon-bail-plea/1479966/>> 21<sup>st</sup> April 2023

laws on artificial intelligence. Let us not AI overpower as it is made by us not vice versa. To quote Alan Turing, “A computer would deserve to be called intelligent if it could deceive a Human into believing that it was Human.”

