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Government with Algorithms: Managing AI in India's Federal System

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Abstract

How has artificial intelligence (AI) been adopted and governed in India's federal system? This explanation shows the interaction among central policies, state-level implementations, and adaptations in different sectors. The key focus of this paper is to describe the legal, policy and industry thinking models that are discernible from a series of interplaying policies, schemes, and implementation timelines in the governments of India. These include the Union Government (the central government in Delhi, in India's federal system), the state governments and Indian courts and tribunals. This paper's research reflects on the thinking models, and certain industry-specific and ethics-specific underpinnings that have shaped the AI initiatives and frameworks across governance ecosystems in this decade. Governments must be careful when using AI for capacity building initiatives across governance systems. The administrative and judicial stakeholders involved need to develop context-specific nuanced limits and boundaries to changes that AI could suggest or implement. This must be done in all government outputs, within existing national legal frameworks, industry policies, and case laws.

Introduction

The Government of India has shown proactive interest in implementing, promoting and democratizing artificial intelligence technologies across the country. Their initiatives have quickly become multi-faceted: the India AI Mission was launched only recently, in March 2024[1]. This mission was a transition from the initiative launched by the government in partnership with NASSCOM, an Indian industry forum. Nine years earlier, the Government of India had launched the Digital India program (on July 1, 2015). That program was followed by the founding of the Ministry of Electronics and Information Technology, which replaced the Ministry of Communications and Information Technology in July 2016.[2] The launch of the India AI Mission was India's first National AI Strategy, which created a policy pivot to govern, promote, and democratize AI for the first time in Indian governance ecosystems at the national and state level.

[1] Press Release, Ministry of Information and Broadcasting, Government of India, Union Cabinet Approves India AI Mission with an Outlay of Rs. 10,371.92 Crore (Mar. 19, 2025), https://pib.gov.in/PressReleasePage.aspx?PRID=2113095

[2] DeITY Becomes a New Ministry, leg-up for Ravi Shankar Prasad, Economic Times (July 19, 2016), https://economictimes.indiatimes.com/news/economy/policy/deity-becomes-a-new-ministry-leg-up-for-ravi-shankar-prasad/articleshow/53285683.cms.

This paper provides a summary of the 4-to-6-year journey of these AI industry and policy pivots in Indian governance from the judiciary to the executive branches. It addresses:

- A brief mapping of policy-industry initiatives on AI in India
- How courts and legal frameworks have understood the concept of AI in the laws of India
- Industry-specific challenges associated with AI and capacity building
- Ethics-specific challenges around AI governance at self-regulatory and pre-regulatory stages
- Actionable recommendations to promote algorithmic federalism in industry, policy and ethics context around the adoption and democratization of AI in India

A Map of Policy-Industry Initiatives

A reasonable way to engage in any mapping or analysis of the key AI policy and industry initiatives (including schemes) of the Union Government and India's state governments can be estimated by first, understanding some common AI governance analogies, and their value, and second, by defining the key stakeholders involved, as described in **Figures 1 and 3.**

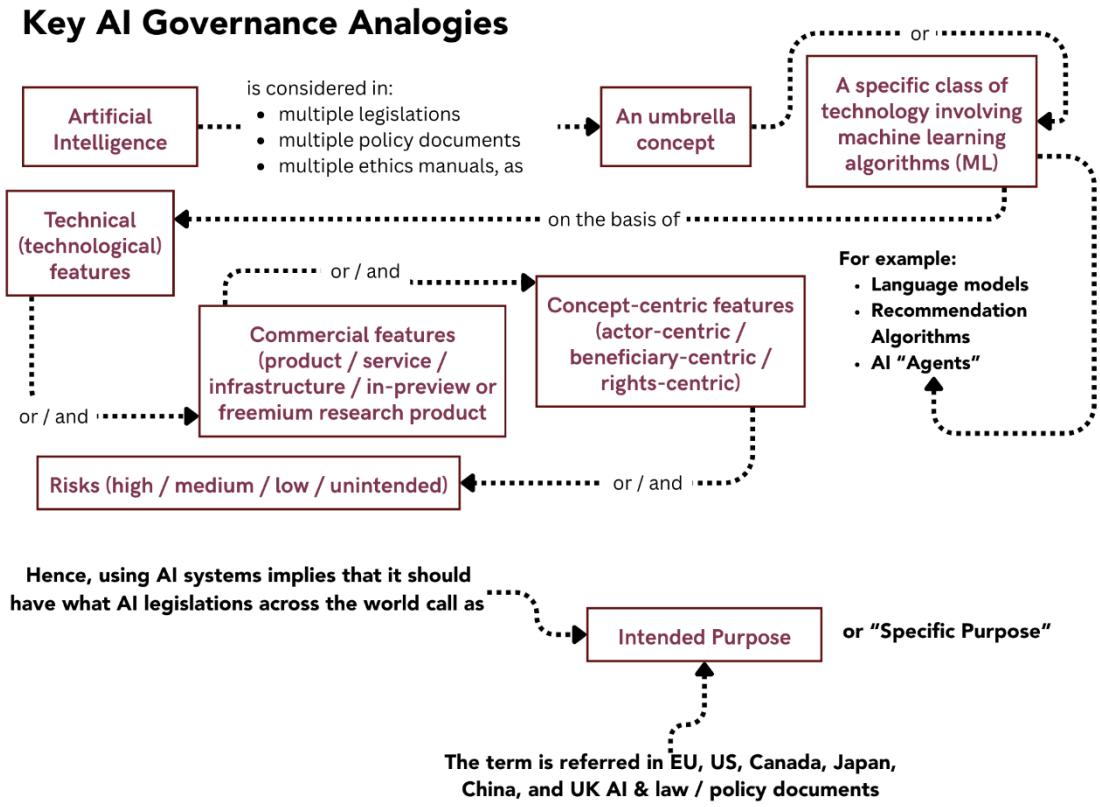


Figure 1: Basic AI Governance analogies

As described in **Figure 1**, the term "artificial intelligence" could refer to machine learning algorithms used in a software program. It could also refer to a form of automation tool used for packaging purposes in factories. AI can be an app, an API (Application Programming Interface for a computer program), or any automation hardware. AI can include anything that is automated to a reasonable extent in public communication by both government and media stakeholders. At times, conflating different algorithmic systems and automation systems could be misleading in public policy. For that reason, it is appropriate to understand the "intended purpose" of AI systems or automation systems and the way they are developed, deployed and democratized. The reference to the term also alludes to the concept of general-purpose AI systems[3] (for instance, in the European Union's Artificial Intelligence Act[4]). Those systems can be applied to a wide range of purposes, including "road traffic and the supply of water, gas, heating and electricity" and "law enforcement, migration and border control."

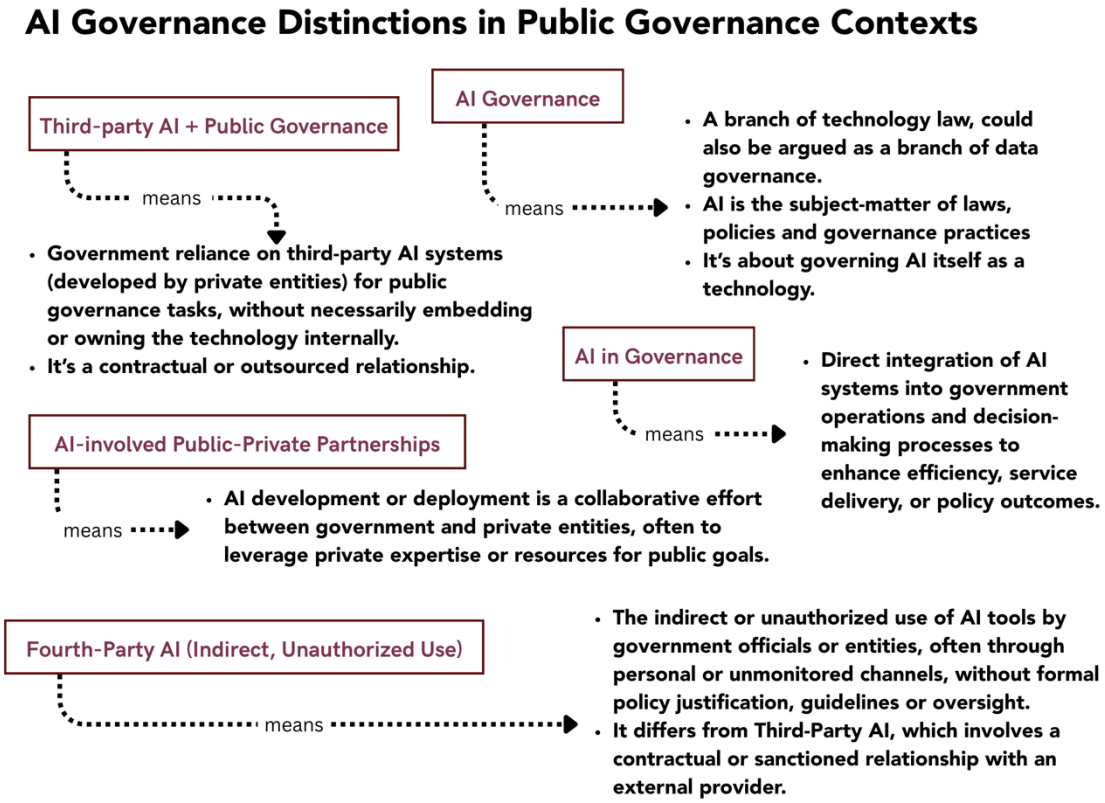


Figure 2: AI Governance Distinctions in Public Governance Contexts, explained

[3] General-purpose AI models in the Artificial Intelligence Act, Telefónica Tech (June 24, 2024), https://telefonicatech.com/en/blog/general-purpose-models-ai-act

[4] Artificial Intelligence - Questions and Answers, European Commission (Aug. 1, 2024), https://ec.europa.eu/commission/presscorner/detail/en/qanda_21_1683.

Figure 2 provides a logical picture of AI governance distinctions that exist in these public governance contexts:

- when AI is the subject matter of laws, policies and governance practices (*AI Governance*)
- when governments rely on third-party AI systems for public governance tasks (*Third-party AI + public governance*)
- when AI is directly integrated into government operations (*AI in Governance*)
- when AI development or deployment is subject to a collaboration between government and private entities (*AI-Involved Public-Private Partnerships)*
- when AI systems are used to perform public governance tasks with no formal policy justification, oversight, or guidelines (*Fourth-Party AI*)

Figure 3 provides a simple picture of the stakeholders involved in various AI policy and industry initiatives.

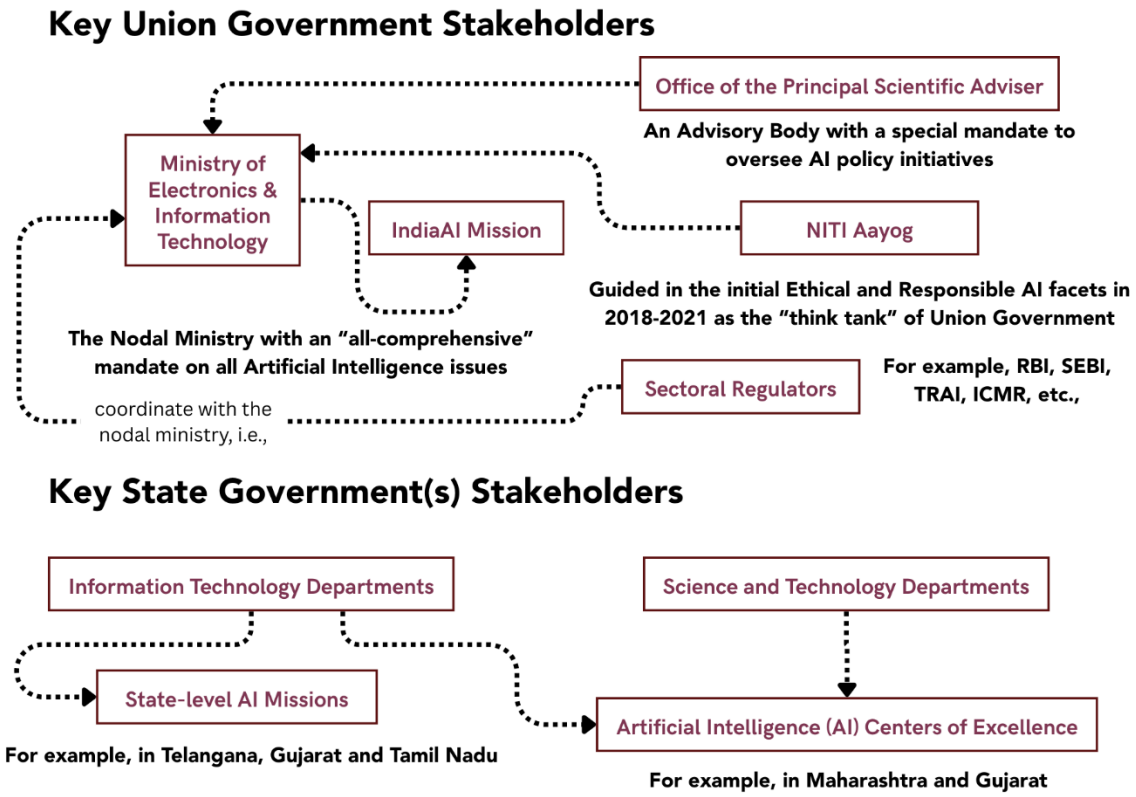


Figure 3: Key Union Government and State Government(s) Stakeholders in India, explained analogically

Key National-level Stakeholders

- Back in 2018, the National Institution for Transforming India (NITI Aayog) drew up the National Strategy on AI (2018)[5], identifying the need for the AI network, suggesting potential routes (priority sectors), and outlining the broad vision. They focused on the "why" and the "what." After the publication of the Responsible AI Approach Document for India in three parts[6] (2021) with specific focus on facial recognition technology, various facets of AI policy development were shifted to the Office of the Principal Scientific Advisor (PSA)[7]. The Office of PSA provides high-level strategic guidance on complex technical and regulatory aspects, helping coordinate between different ministries and ensuring the scientific integrity of the approach.

- The Ministry of Electronics and Information Technology (MeitY) is the principal ministry on all matters associated with AI integration and industry promotion, also in line with their approach on electronics ecosystems and semiconductors. They take the strategic plan and turn it into actionable policy and programs.

- Next, the IndiaAI Mission, which was launched in March 2024, has a role similar to a Project Management Officer operating under MeitY. It is tasked with building the core physical and digital infrastructure – laying the tracks (AI compute capacity), building the stations (Innovation Centres), managing the logistics (Datasets Platform), training the staff (FutureSkills), and funding the mobility ecosystem (Startup Financing). It executes the specific components of MeitY's plan and is led by a CEO, who is currently an Additional Secretary to MeitY.

- Finally, there are sector-specific regulatory bodies like the Telecom Regulatory Authority of India (TRAI), the Securities and Exchange Board of India (SEBI), the Reserve Bank of India (RBI) and the Ministry of Health and Family Welfare or statutory bodies like the Indian Council for Medical Research. They might be better described as governance institutions, since facets of AI governance may or may not involve regulation in multiple

[5] National Institution for Transforming India, National Strategy For Artificial Intelligence (2018), https://www.niti.gov.in/sites/default/files/2023-03/National-Strategy-for-Artificial-Intelligence.pdf.

[6] National Institution for Transforming India, Responsible Ai #AIFORALL: Approach Document for India: Part 1 – Principles for Responsible AI (2021), https://www.niti.gov.in/sites/default/files/2021-02/Responsible-AI-22022021.pdf; National Institution for Transforming India, Responsible Ai #AIForAll: Adopting the Framework: A Use Case Approach on Facial Recognition Technology (2022), https://www.niti.gov.in/sites/default/files/2022-11/Ai_for_All_2022_02112022_0.pdf

[7] Observer Research Foundation America, India's Tech Strategy: An Introductory Overview, https://orfamerica.org/newresearch/india-technology-policy (last visited A)pr. 24, 2025), at 4.

sectors. They are responsible for how AI is used specifically within their domains – finance, telecom, healthcare, etc. They develop and enforce rules relevant to their specific sector's needs and risks**. Table 1** provides an overview of the kinds of regulatory guidelines or documents published by some of the sectoral bodies.

Table 1: Overview of AI Governance Documents by Sector-specific Bodies at the National Level in India.

Sector	Rule/Regulation/Guidance	Issuing Authority	Year / Date
Finance	Reporting requirements for AI and Machine Learning (ML) applications used by market participants[8]	Securities and Exchange Board of India (SEBI)	January 2019
Healthcare	The Ethical Guidelines for Application of AI in Biomedical Research and Healthcare[9]	Indian Council of Medical Research (ICMR)	March 2023
Telecommunications	Fairness Assessment and Rating of Artificial Intelligence Systems (TEC 57050:2023)[10]	Telecommunication Energy Centre (Ministry of Communications)	July 2023

Key State-level Stakeholders

- Because the Constitution of India was written in 1949, it does not create any special condition for giving any AI-specific power-making mandate specifically designated to state governments. However, by virtue of its Sixth, Seventh and Eighth Schedules, all state governments are empowered to create specific AI-related missions, or industry promotion schemes.

[8] Circular, Securities and Exchange Board of India, Reporting for Artificial Intelligence (AI) and Machine Learning (ML) Applications and Systems Offered and Used by Market Infrastructure Institutions (MIIs) (Jan. 31, 2019), https://www.sebi.gov.in/legal/circulars/jan-2019/reporting-for-artificial-intelligence-ai-and-machine-learning-ml-applications-and-systems-offered-and-used-by-market-infrastructure-institutions-miis-_41927.html.

[9] Indian Council of Med. Rsch., Ethical Guidelines for Application of Artificial Intelligence in Biomedical Research and Healthcare (2023), https://www.icmr.gov.in/icmrobject/uploads/Guidelines/1724842648_ethical_guidelines_application_artificial_intelligence_biomed_rsrch_2023.pdf.

[10] Telecommunication Engineering Centre, Ministry of Communications, Government of India, Fairness Assessment and Rating of Artificial Intelligence Systems (TEC 57050:2023) (July 4, 2023), https://tec.gov.in/pdf/SDs/TEC%20Standard%20for%20fairness%20assessment%20and%20rating%20of%20AI%20systems%20Final%20v5%202023_07_04.pdf.

- Under these three schedules, states launch their own AI Missions (as in Tamil Nadu), or alternatively set up state-level AI clusters or Centers of Excellence (as in Gujarat, Maharashtra), which may develop policies tailored to their state's economy (as in Karnataka's policy on global capacity centers).
- States initiate projects to apply AI to specific regional challenges – improving agriculture, healthcare, education, or urban management within their borders, often partnering with tech companies (as in Andhra Pradesh, Maharashtra, Karnataka).
- In addition, managing local implementation falls under state Departments of IT or Science & Technology, or specialized state-level bodies. They are responsible for translating broader goals into specific, on-the-ground programs, sometimes supporting centrally funded initiatives (like Gujarat supporting national Centres of Excellence (CoEs)) or launching entirely distinct state-level projects. **Table 2** provides an overview of the key AI industry initiatives under state governments in India.

Table 2: Overview of AI initiatives by State Government stakeholders in India.

State & its Department / Entity	Initiative	Status	Actual Outputs	Limitations
Gujarat Dept. of Science & Technology	AI Taskforce	Formed[11]	• AI Center in GIFT City launched[12] Support for 3 CoEs (sustainable cities, healthcare, agriculture)	• Limited scale • Outputs beyond centre launch unclear • Actual beneficiary numbers not reported
Tamil Nadu State Government	Tamil Nadu AI Mission	Announced	• Five-year roadmap created	• Early stage • Small budget compared to needs • Implementation details lacking

[11] Department of Science & Technology, Government of Gujarat, AI Taskforce Initiative (Dec. 10, 2024), https://dst.gujarat.gov.in/ViewFile?fileName=wKb4HJPjE81gwZNiRxKFzIylsKQNavbyz93vz9J0eK5gvHHquv%E2%9C%A4kljkBK5CG9Rf63stfl%E2%9C%A4yJ%E2%9C%BFgCJHuAsP%E2%9C%A4eZA6RdjBgRllUF2UgDrgTUufU0O9RolqlgY5AVQYYXUY9%E2%9C%BFKqP%E2%9C%A4z8Mj10RBFheMVWBx4Q%E2%99%AC%E2%99%AC (last visited Apr. 24, 2025).

[12] ANI, Gujarat: CM Bhupendra Patel launches AI Center of Excellence in Gift City, ANI News (Jan. 27, 2025), https://www.aninews.in/news/national/general-news/gujarat-cm-bhupendra-patel-launches-ai-center-of-excellence-in-giftcity20250127220115/.

Maharashtra Dept. of IT	AI Policy Taskforce	Planning stage	• Taskforce formed[13] • Draft policy being developed • Partnership announced for AI solutions[14] • CoE in AI, IoT, robotics planned • MoUs are signed	• Still in planning phase • No concrete implementations yet • Timeline for policy release unclear • Beyond MoUs (with Google, NIELIT), limited concrete activity • Implementation metrics missing
Karnataka State Government	AI/ML Admin Unit & Shiksha Co-pilot	Announced Feb 2024	• Stipend program launched	• Limited scale (max 200 students) • Short-term benefit vs. systemic capacity issues • Adoption/impact metrics missing for Shiksha Co-pilot
Uttar Pradesh State Government	AI Committee	Committee formed[15]	• Draft AI policy being developed • Roadmap for sectors created	• Still in planning stage • No implementation timeline • Budget allocation unclear

Algorithms, Courts and Constitutionalism

As is evident from the various state-level efforts noted in Table 2, many AI industry initiatives have clarity issues, no implementation timeline, and at times their budget allocation is also vague. Similarly, on the legal front, there are some legal positions which have been developed on certain facets around AI, which must be understood from two key perspectives – (1) government officials; and (2) the Indian judiciary.

[13] APAC News Network, Maharashtra to Roll Out AI and Cybersecurity Policies to Boost Digital Infrastructure (Jan. 18, 2025), https://apacnewsnetwork.com/2025/01/maharashtra-to-roll-out-ai-and-cybersecurity-policies-to-boost-digital-infrastructure/.

[14] IndiaAI, Six notable Indian state governments AI initiatives in 2024, (Nov. 10, 2024), https://indiaai.gov.in/article/six-notable-indian-state-governments-ai-initiatives-in-2024 (last visited Apr. 24, 2025).

[15] E-Gov, AI Interventions Set to Transform Uttar Pradesh's Key Sectors, E-Gov (Jan. 30, 2025), https://egov.eletsonline.com/2025/01/ai-interventions-set-to-transform-uttar-pradeshs-key-sectors/.

Statutory Positions

- The Government of India does not intend to define the term 'artificial intelligence,' and its types.
- The reference to AI can be found in a term called 'artificial juristic person', which is explicitly stated (without defining the term) in the Section 2(1)(z) of the *Digital Personal Data Protection Act, 2023* (DPDPA), "not falling within any of the preceding sub-clauses," as per the Act.
- The Government insists it will adopt a 'techno-legal' approach to AI governance, as it was clearly depicted in ***IndiaAI's AI Governance Guidelines Development document***[16] released in January 2025[17]. The techno-legal approach included:

    - Encoding legal provisions and ethical principles directly into AI systems ("regulation by design" or "privacy by design").
    - Utilizing tools like blockchain for traceability, AI compliance systems for real-time bias/harm detection, watermarking/labeling for content provenance (especially deepfakes), and consent artifacts (like those in MeitY's Electronic Consent Framework) to create immutable identities and track activities.
    - Using technology to automate aspects of risk assessment and compliance processes.
    - Employing traceable artifacts and audit trails generated by technology to help identify the allocation of regulatory obligations and potentially apportion liability across the complex AI value chain.

However, the techno-legal approach has serious problems since:

- The approach exemplifies techno-solutionism – jumping to complex tech tools (blockchain, AI compliance systems, etc.) as a panacea without adequately defining the problems or ensuring the foundational governance structures are sound. It prioritizes flashy technological mechanisms over the hard work of developing clear legal principles, robust institutional processes, and skilled human oversight.
- It hinges on a non-existent foundation: institutional capacity. It presupposes a level of technical expertise within government agencies, regulatory bodies, and the judiciary—a level that simply does not exist.

[16] IndiaAI, Report on AI Governance Guidelines Development (Jan. 6, 2025), https://indiaai.gov.in/article/report-on-ai-governance-guidelines-development

[17] Kohls v. Ellison, No. 24-cv-3754, 2025 WL 66514 (D. Minn. Jan. 10, 2025)

- The notion of using technology to automatically "distribute" or "apportion" liability across the AI value chain is premature, lacks empirical support, and misunderstands legal reality. Liability is determined by law (statutes, tort principles) and established through legal processes (adjudication), not automatically assigned by a tech system based on audit trails. Audit trails are evidence, not determinants of liability.

In addition, the State Government of Tamil Nadu released a Safe & Ethical Artificial Intelligence Policy in 2020[18], which divides the realms of ethics of AI into two main categories: "Privacy and Data Protection" and "Human and Environmental Values." The policy introduces a framework called TAM-DEF and a scorecard named DEEP-MAX to evaluate AI systems before they are rolled out for public use. This policy is applicable to state-owned and state-controlled authorities, joint ventures with the Tamil Nadu State Government, as well as organizations having composition and administration under state government control. However, any implementation of this policy is yet to be seen. There are **no** mentions of the following:

- Actual AI systems being evaluated using the TAM-DEF framework
- The DEEP-MAX Scorecard being applied to government AI deployments
- The ACTS-Blockchain being created and put into use
- The monitoring committee being constituted and meeting regularly
- Reports or case studies of the policy's application to specific AI implementations

Judicial Developments and Understandings

Table 3 summarizes the key judicial developments associated with AI in India. Most of the case law that has emerged around the use of AI is associated with intellectual property law issues, while some of them are more associated with media and entertainment law issues.

Table 3: Overview of key AI-related judicial developments in India.

Case/Instance Name	Court/Body	Key AI Aspect	Analysis
Ankit Sahni & RAGHAV AI Copyright	Indian Copyright Office	First Indian copyright registration granted (then questioned) for AI (RAGHAV) as co-author of an artwork.	The Copyright Office's initial grant to an AI as co-author was bold but legally shaky, given the Copyright Act's human authorship requirement. The

[18] Department of Information Technology., Government of Tamil Nadu, Tamil Nadu Safe & Ethical Artificial Intelligence Policy 2020 (2020), https://it.tn.gov.in/sites/default/files/2021-06/TN_Safe_Ethical_AI_policy_2020.pdf.

Registration[19] **(2020-22)**			subsequent withdrawal notice highlights the lack of legislative clarity and the risk of administrative overreach. The case is a regulatory experiment, not a settled precedent.
Ferid Allani v. Union of India & Ors.[20] **(2019-20)**	Delhi High Court, IPAB	Landmark on software patentability; considered whether computer-related inventions (potentially including AI) are patentable under Section 3(k) of the Patents Act.	The case is about software patents, not AI *per se*. The court's nuanced reading of "technical effect" opens the door for AI-related patents, but the ruling is about patent eligibility, not AI inventorship or authorship.
Buckeye Trust v. PCIT (ITA No. 1051/Bang/2024) (2024-25)[21]	Income Tax Appellate Tribunal, Bengaluru	Tribunal order cited fake case law, apparently generated by an AI-generated tool; order was withdrawn under Section 254(2) of the Income Tax Act, 1961 and reheard.	This is a cautionary tale about AI "hallucinations" in legal research. The tribunal's failure to verify citations before issuing an order is a serious lapse. The incident exposes the dangers of uncritical AI use in legal settings and the urgent need for professional and judicial safeguards.
Jaswinder Singh @ Jassi v. State of Punjab & Anr.[22] **(2023)**	Punjab & Haryana High Court	Court used ChatGPT to survey "bail jurisprudence" in a murder bail application.	The court's use of ChatGPT for legal research in a sensitive criminal matter was widely criticized as misplaced. Though the judgment itself did not rely on AI for its reasoning, relying on unverified AI outputs in a criminal matter raises questions of rigor. The disclaimer that AI use *per se* has no decisive

[19] Application No: L-9 Raghav Artificial Intelligence Painting App, Indian Copyright Office

[20] Ferid Allani v. Union of India & Ors., W.P.(C) 7/2014 (Delhi High Court, Dec 12, 2019)

[21] Buckeye Trust v. PCIT, ITA No. 1051/Bang/2024 (ITAT Bengaluru Bench 2024-2025), discussed in LiveMint, Did AI hallucination play mischief with a tax tribunal order? (Feb. 26, 2025), https://www.livemint.com/money/personal-finance/chatgpt-artificial-intelligence-ai-itat-bengaluru-bench-tax-buckeye-trust-case-errors-11740544685677.html.

[22] Jaswinder Singh v. State of Punjab, CRM-M-22496-2022, order dated 27-3-2023.

			consideration feels defensive, and the judgment's focus on novelty over substance risks undermining judicial authority. A more disciplined approach to AI's role is needed.
Md Zakir Hussain v. State of Manipur[23] (2024)	Manipur High Court	Court used ChatGPT and Google to research service rules in a VDF dismissal case, leading to reinstatement.	Here, AI was used as a last resort due to government counsel's failure to provide information. The court's transparency about its use of ChatGPT is commendable, but the reliance on AI for legal research, even as a supplement, raises questions about accuracy and the boundaries of judicial fact-finding.
Arijit Singh v. Codible Ventures LLP & Ors.[24] (2024)	Bombay High Court	Unauthorized AI-driven voice cloning and misuse of Arijit Singh's name, image, and likeness for commercial gain. Interim injunction granted, restraining defendants from using Singh's voice, name, or likeness via AI tools, merchandise, or domains.	This ruling is a pivotal step in safeguarding performers' rights against AI exploitation, rightly prioritizing Singh's control over his persona. Yet the court's broad injunction risks overreach, potentially chilling non-commercial creative uses like fan-made content. Balancing personality rights with free expression is still difficult.
Jaikishan Kakubhai Saraf (Jackie Shroff) v. The Peppy Store & Ors. (2024)[25]	Delhi High Court	Infringement of Jackie Shroff's personality rights through unauthorized AI chatbot use of his name, voice, and catchphrase "Bhidu."	The refusal to block a parody video shows judicial restraint, but the lack of clear guidelines for AI-driven likeness use leaves future cases vulnerable to inconsistency.

[23] Md Zakir Hussain v. State of Manipur, W.P. (C) No. 1080 of 2023, (Manipur High Court, May 23, 2024).

[24] Arijit Singh v. Codible Ventures LLP & Ors., COM IPR SUIT (L) No. 23443 of 2024, Bombay High Court, Judgment dated July 26, 2024

[25] Jaikishan Kakubhai Saraf (Jackie Shroff) v. The Peppy Store & Ors. (2024), 2024 DHC 4046, Delhi High Court, Order dated May 15, 2024.

		Ex-parte interim injunction issued, barring defendants from commercial misuse of Shroff's persona, including AI-driven content. Artistic expressions like "Jackie Shroff Thug " video spared.	
Anil Kapoor v. Simply Life India & Ors.[26]	Delhi High Court	Misuse of Anil Kapoor's likeness via AI-generated deepfakes, GIFs, and morphed videos for commercial purposes. Court granted an order protecting Kapoor's personality rights, restraining unauthorized use of his name, image, and voice.	This ruling aligns personality rights with constitutional privacy protections under Article 21. However, its enforcement faces practical hurdles—AI's borderless nature complicates takedowns. The judgment's focus on commercial exploitation is apt but misses an opportunity to clarify non-commercial boundaries, leaving room for ambiguity in less clear-cut cases.

As these examples indicate, most of the case law around AI in India is either associated with intellectual property issues, or media/entertainment law issues. However, the issue of citing fake cases as depicted in the case involving withdrawal of an ITAT order itself is reminiscent of *Kohls v. Ellison* (Minnesota)[27], where the Court had criticized Jeff Hancock's testimony (as an AI expert) to challenge the deepfake law, since the testimony had included fake citations.

In addition, there are no significant judicial precedents where Indian courts have directly adjudicated constitutional conflicts between central directives and state autonomy specifically concerning AI governance. India's federal structure does inherently create potential for such disputes (as AI impacts subjects across Union, State, and Concurrent lists of the Seventh Schedule). However, the current focus in policy discussions appears to be on achieving a coordinated "whole-of-government" approach involving MeitY, sectoral regulators (central), and potentially state bodies. Policy frameworks suggest a need for inter-agency coordination, potentially led by central bodies like the Prime Minister's Office or the National Security

[26] Anil Kapoor v. Simply Life India & Ors., CS(COMM) 652/2023 and I.A. 18237/2023-18243/2023, Delhi High Court, Order dated September 20, 2023

[27] Kohls v. Ellison, No. 24-cv-3754, 2025 WL 66514. D. Minn. Jan. 10, 2025.

Council Secretariat, with sectoral regulators handling specific domains and MeitY setting baseline requirements. The legal challenges to be addressed by courts would relate more to legal, property and fundamental rights infringements caused by the use of AI systems - which exist for both the Union and the state governments – than to issues of competences between the Union and the states governments regarding AI regulation itself.

Industry-Specific Underpinnings around AI and Capacity Building

As discussed in the first section of this paper, the AI industry initiatives discussed reveal significant capacity-building challenges that are both technical and cultural in nature. Various sector-specific initiatives within Union and State governance realms face distinctive obstacles in AI adoption that require context-specific approaches. It is estimated that there are two major technical and cultural factors and challenges that explain this phenomenon across India: cultural competencies; and data visitation realities.

Cultural Competencies

A critical challenge in AI governance is the development of cultural competencies among administrators and judicial officers. A research paper[28] documenting interviews on AI regulation in India identified 5 categories of limitations that create challenges for implementing new AI regulations:

1. lack of technical expertise
2. failure to issue clear and timely regulatory guidance
3. lack of investigative powers
4. ineffective or inconsistent enforcement
5. lack of grievance redressal mechanisms

Of these five limitation categories, lack of technical expertise is the biggest limitation for public officials in India to govern AI. For instance, MeitY and the India AI Mission's Competency Framework for AI Integration for Public Officials published on March 6, 2025[29] highlights in several pages that skill gaps should be addressed within industry, ethics, and governance of AI.

[28] Carnegie Endowment for Int'l Peace, India's Advance on AI Regulation. Nov. 2024. https://carnegieendowment.org/research/2024/11/indias-advance-on-ai-regulation?lang=en&center=india.

[29] IndiaAI, Empowering Public Sector Leadership: A Competency Framework for AI Integration in India. Mar. 6, 2025. https://indiaai.gov.in/article/empowering-public-sector-leadership-a-competency-framework-for-ai-integration-in-india.

The features and limitations of the Competency Framework explain some facets of public governance, as follows:

- **The framework addresses issues like mis-selection, which implies that at times AI technologies are applied to problems when their specified purpose/intended purpose does not align with the identified problem(s).** When you mis-select appropriate models, data, or strategies, making that mistake can result in AI systems that over-promise capabilities and ultimately under-deliver on expected performance. However, since multiple AI tools and their use case specifics—the details of the situations in which each tool was used—were not adequately described, the framework does not provide any tailor-made strategies for public officials. Instead, the framework offers a standardized template of understanding in the "Domain Competencies" section, which could be misleading or considered as incomplete means of reference.
- **The framework acknowledges that public officials must avoid techno-solutionist approaches as they adopt and procure AI systems.** However, the three chapters addressing the different kinds of competencies that a public official must have do not describe in detail what know-hows should be adopted, and what options should be avoided. The AI use case specifics are merely tabulated across the framework report, but not aptly described. This lack of detail is problematic because a public official needs to know how to select or develop an algorithm that prioritizes minimizing false negatives over false positives while processing data from diverse citizen demographics.
- **The framework recommends public officials adopt disruptive ideas (sometimes called disruptive innovation), but it does not explain how to connect an idea associated with an AI deliverable with a variable of reform or change.** Such connection needs to be injected into governance ecosystems. Hence, the report fails to address the acute possibility of localized use of AI in public governance value chains. For instance, direct benefit cash transfer schemes delivered by the Government of India can be categorized as a public governance value chain - yet the framework provides no guidance on how AI could be integrated into such schemes.
- **The concept of a whole-of-government approach has apt mentions in the framework but no solutions for two resulting difficulties.** These are: specifying no clear protocol-sensitive understanding as to what know-hows and measures would have to be personalized in the context of AI integration; and not showing how AI interplays with multiple government divisions, agencies and departments. This makes defining accountability of public officials unclear as they procure AI.
- **The framework report does not address the fact that when AI systems are involved in public governance, there are two facets of literacy which affect citizens and businesses in India – AI literacy, and governance literacy.** For instance, while Citizen

Charters[30] are issued by jail departments, municipal corporations, co-operative societies, and others, the introduction of AI systems within these operations implies that citizens and business would require a dual understanding. They need not only to understand service standards, procedures and rights in charters and public notes, but they also must have sufficient AI literacy to grasp how AI-based processes, decisions and operations might affect service delivery, access or outcomes.

Data Visitation Rights and Governance

The concept of "data visitation" rather than data ownership has emerged as a crucial framework for Indian governance. Visitation rights may allow government agencies to access and use data without transferring ownership, enabling cross-departmental AI applications while maintaining sectoral autonomy. However, implementation varies significantly. While the Draft National Data Governance Framework Policy (2022) [31] embraces this concept, only three states (Maharashtra, Karnataka, and Tamil Nadu) have explicitly incorporated data visitation rights into their digital governance frameworks. The IndiaAI Mission has identified this inconsistency as a major impediment to cohesive AI development across governance levels. In addition, the Digital Personal Data Protection Act excludes publicly available data from the data fiduciary obligations (Sec. 4-10). This exclusion thus allows AI training irrespective of no text and data mining exceptions in legal form in India. However, concerns about misuse or lack of consent could be raised.

Ethics-Specific Understandings around AI Governance

As described in the previous section on algorithms, courts, and constitutionalism, in India there is to date no defined understanding of AI, except the reference of "artificial juristic person" in the DPDPA. However, there are certain trends with respect to policy documents, legal understandings and political positions around the ethics and regulation of AI, which explain how stakeholders in Indian governance ecosystems make (or could make) key decisions. There are three major trends around AI governance in India: *(1) the anthropomorphization trap; (2) framework fatigue;* and *(3) regulatory capture*.

[30] Government of India, Citizen's Charter (undated), https://www.india.gov.in/my-government/documents/citizens-charter?page=10 (last visited Apr. 24, 2025).

[31] Ministry of Electronics & Information Technology, Government of India, Draft National Data Governance Framework Policy (2022), https://www.thehinducentre.com/resources/67557000-National-Data-Governance-Framework-Policy_compressed.pdf.

Anthropomorphization Trap

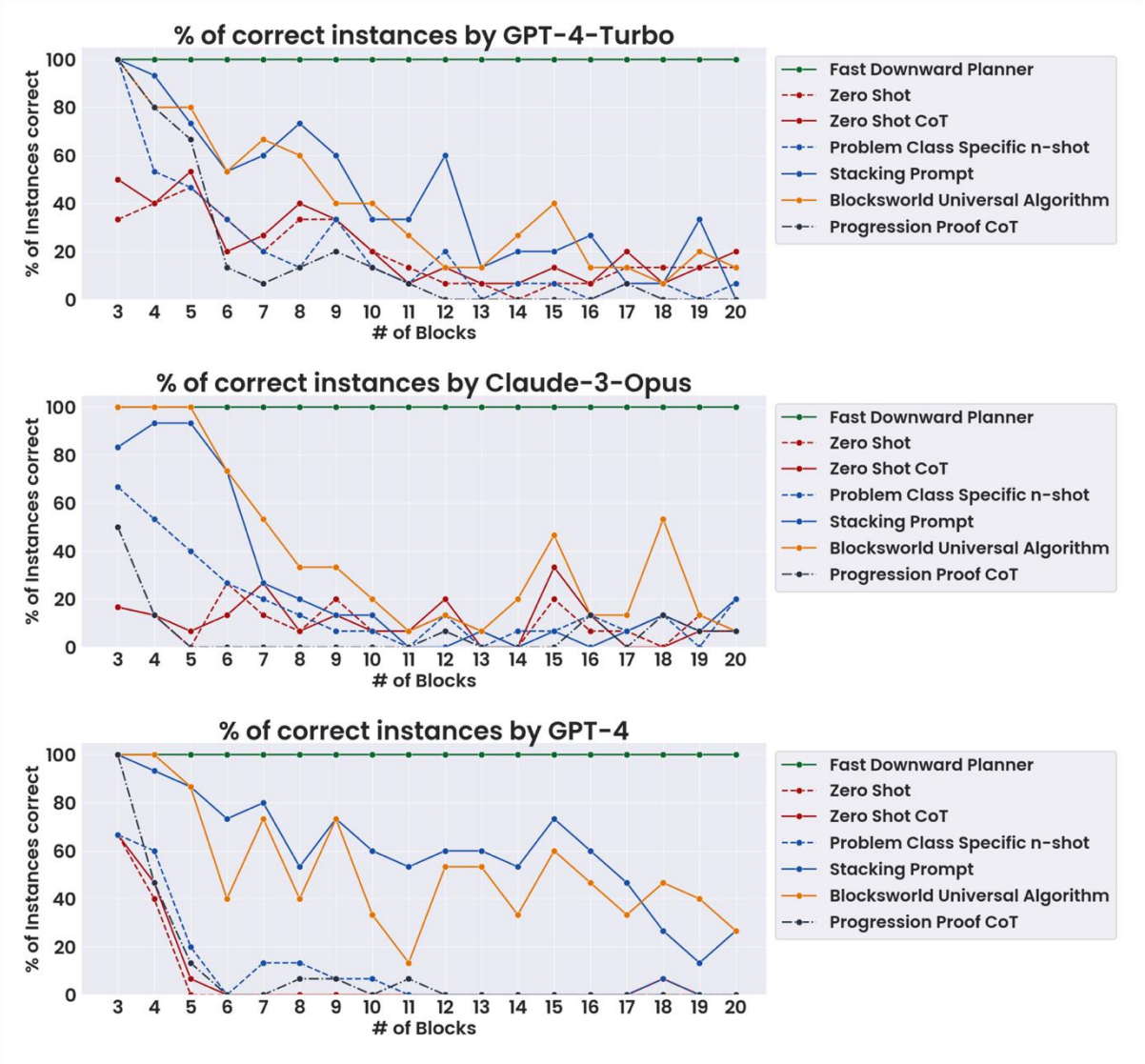
The "anthropomorphization trap"—the tendency to attribute human-like qualities to AI systems—presents particular challenges in the Indian governance context. For instance, in the case of large reasoning models, models like o1-mini by OpenAI show "non-monotonic plan construction patterns,"[32] which remain inconsistent with human problem solving, and yet these models superficially resemble human thought patterns,[33] by mere inclusion of phrases such as "aha...", "hmm...", "let me think step by step...". These phrases create the impression of deliberative thinking, but they are misleading. **Figure 4** depicts the accuracy of specific language models across chain-of-thought prompting methods from a research paper co-authored by Subbarao Kambhampati.[34]

[32] Karthik Valmeekam et al., A Systematic Evaluation of the Planning and Scheduling Abilities of the Reasoning Model o1 , OpenReview (Apr. 9, 2025), https://openreview.net/forum?id=FkKBxp0FhR.

[33] Kaya Stechly et al., Chain of Thoughtlessness? An Analysis of CoT in Planning, arXiv (May 8, 2024),.https://arxiv.org/abs/2405.04776.

[34] ibid., https://arxiv.org/abs/2405.04776.

Figure 4: Accuracy of GPT-4-Turbo, Claude-3-Opus and GPT-4 across chain of thought prompting methods in their intended problem distributions with increasing number of blocks[35]



In addition, the incidents at the Punjab & Haryana High Court and Income Tax Appellate Tribunal (see **Table 3**) demonstrate how the tendency to anthropomorphize the use of AI can lead to inappropriate reliance on AI outputs. This tendency is particularly problematic in governance contexts where decision-makers may defer to algorithmic recommendations without appropriate critical evaluation, creating risks for administrative justice. For instance, Meta India intends to help Indian state governments[36] (of Maharashtra, Odisha and Andhra Pradesh)

[35] ibid., https://arxiv.org/abs/2405.04776.

[36] Rohit Singh, Meta Using WhatsApp and Llama AI to Power E-Governance in India, Medianama (Apr. 15, 2025), https://www.medianama.com/2025/04/223-meta-whatsapp-llama-ai-e-governance-india/.

through the latest version of their Llama LLM model and Whatsapp chatbot. While the state governments should be questioned about diversity and choice in private-public partnerships, the risk of anthropomorphization is real with Llama and Whatsapp's chatbot.

Framework Fatigue

In November 2023, 29 nations signed the Bletchley Declaration[37] at the AI Safety Summit in Bletchley, England. Since then, innumerable frameworks, guidelines and group and caucus reports on AI ethics and governance have been published. Most of these guidelines and restrictions address the hype and anxiety around large language models or LLMs. These LLMs, which were first created in 2017, resulted in the release of many consumer AI programs. Starting in November 2022 with the release of ChatGPT, consumer AI programs now include Gemini from Google, MetaAI from Whatsapp, Claude AI, Grok by Elon Musk-led XAI, R1 from China-based DeepSeek, Qwen from Alibaba, and Microsoft Copilot.[38]

As of April 2025, 791 national AI governance initiatives were listed by the OECD,[39] out of which, there are 355 national-level strategies and plans, 89 AI co-ordination or monitoring bodies, 172 public consultations of stakeholders and experts, and 175 instances of AI use in the public sector. When multiple frameworks are developed without clear and concerted capacity building initiatives, government stakeholders frequently offer knee-jerk reactions to legal, policy and technical risks. Such tendencies are caused by framework fatigue.

Here is an elaborate instance: In early March 2024, MeitY had unveiled a non-binding advisory on AI technologies and their potential impact on electoral integrity, targeting digital platforms and intermediaries.[40] Usually, advisories are made public, but no publicly available copy of the advisory was put forth for public reading until March 14. Nevertheless, after a public backlash,

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[37] Government of U.K., The Bletchley Declaration by Countries Attending the AI Safety Summit, 1-2 November 2023 (Nov. 2, 2023), https://www.gov.uk/government/publications/ai-safety-summit-2023-the-bletchley-declaration/the-bletchley-declaration-by-countries-attending-the-ai-safety-summit-1-2-november-2023.

[38] Indic Pacific Legal Research., IPLR-IG-013: Averting Framework Fatigue in AI Governance (Feb. 3, 2025), https://indopacific.app/product/iplr-ig-013/ (last visited Apr. 24, 2025).

[39] OECD, AI Policy Observatory: National AI Governance Initiatives (Apr. 2025), https://oecd.ai/en/dashboards/overview/policy.

[40] The ISAIL Secretariat, The MeiTY Advisory on "Approving AI Platforms" and its Far-Reaching Issues, Indian.Substack.com (Mar. 4, 2024), https://indian.substack.com/p/the-meity-advisory-on-approving-ai (last visited Apr. 24, 2025).

a new advisory was released, with a public copy with significant changes made.[41] Now, when such an advisory is riddled with grammatical errors and contains serious problems, it creates confusion for developers, technologists and businesses who are a part of India's AI ecosystem – despite it not being "binding".

Regulatory Capture

Beyond the MeiTY advisory, an AI Governance Guidelines report was revealed by the IndiaAI Mission in January 2025[42]. This followed the submission in 2019 of the Report of Committee D on AI-Associated Cybersecurity Risks, which warned government stakeholders about the dangers of new AI technologies in an increasingly digital world.[43] As the limitations of the Governance Guidelines report were highlighted earlier in this paper, it is obvious that certain quick fixes and knee-jerk reactions to AI governance realities create policy confusions. These policy confusions may be driven by framework fatigue–the confusion and exhaustion suffered by software developers due to too many choices and too much of a workload. Framework fatigue may also be driven by the tendency to control, since government stakeholders might assume that they are not governing AI enough.

However, not making people aware of how AI governance works, could further create a situation of regulatory capture.[44] Regulatory capture occurs when a regulatory agency becomes biased in favour of the practices of companies the agency is supposed to regulate. For example, Rajeev Chandrasekhar, former Minister of State for MeiTY, had justified the March 2024 Advisory based on Google's Gemini AI tool making controversial statements against the Indian Prime Minister. Chandrasekhar charged that the statements violated the Information Technology Rules of 2021 on the ministry's assumption that Google was an intermediary.[45] However, it is difficult to designate Google as an intermediary since the AI tool didn't state it publicly, at least not

[41] The Hindu, IT Ministry replaces AI advisory, drops requirement of government's permission, (Mar. 16, 2024), https://www.thehindu.com/sci-tech/technology/it-ministry-replaces-ai-advisory-drops-requirement-of-governments-permission/article67957744.ece.

[42] IndiaAI, Report on AI Governance Guidelines Development (Jan. 2025), https://indiaai.gov.in/article/report-on-ai-governance-guidelines-development.

[43] Ministry of Electronics. & Information. Technology, Government of India, Report of Committee D on AI-Associated Cybersecurity Risks (Feb. 2019), https://www.meity.gov.in/static/uploads/2024/02/15ab.pdf.

[44] Jyoti Panday & Mila T Samdub, 4. Promises and Pitfalls of India's AI Industrial Policy, AI Now Inst. (Mar. 12, 2024), https://ainowinstitute.org/publications/analyzing-indias-ai-industrial-policy (last visited Apr. 24, 2025).

[45] ET Bureau, Google apologises to India over Gemini's results on Modi, calls its own AI platform 'unreliable', Economic Times (Mar. 4, 2024), https://economictimes.indiatimes.com/news/india/google-apologises-to-india-over-geminis-results-on-modi-calls-its-own-ai-platform-unreliable/articleshow/108193940.cms?from=mdr.

directly. Algorithmic bias was the direct cause of Gemini's 2024 version making problematic statements and generating controversial images depicting people of colour as "Nazis." [46] However, the legal basis of the advisory and the invocation of the 2021 Rules were unclear and sloppy. In fact, indigenous language models are not regulated enough as opposed to models developed by global companies: this also creates policy confusion.[47] This tendency to control technologies like AI in a rather unclear way supports regulatory capture,[48] which is a cultural competency problem as well.

Conclusion and Recommendations

The journey of AI governance in India, as traced through this research, reveals a fragmented yet multifaceted landscape marked by policy initiatives, judicial experimentation, and significant capacity and ethical challenges. From the launch of the National AI Strategy in 2018 by NITI Aayog to the comprehensive IndiaAI Mission in 2024 under MeitY, the Union Government has demonstrated a proactive stance in promoting and democratizing AI technologies.

However, the lack of implementation clarity, as seen in Tamil Nadu's Safe & Ethical AI Policy (2020) with no evidence of operationalization, is counterproductive. Also, the absence of concrete timelines or budgets in many state initiatives (e.g., in Uttar Pradesh and Maharashtra), underscores systemic gaps in translating policy into practice. Judicial engagements with AI, primarily in intellectual property and media law (e.g., Ankit Sahni & RAGHAV, Arijit Singh cases) are interesting developments. The problematic uses in legal research (e.g., ITAT's fake citations, Punjab and Haryana HC's ChatGPT use) highlight the need to have hands-on examination of these failures and straightforward guidelines or basic protocols for AI tool usage in legal contexts. Challenges such as framework fatigue, and regulatory capture, however, are major problems.

Additionally, the inability to navigate cultural differences among public officials, and data visitation inconsistencies further complicate AI governance. These issues, compounded by the tendency to anthropomorphize everything and the belief that all human problems can be solved

[46] Chris Gillard, The Deeper Problem With Google's Racially Diverse Nazis, The Atlantic (Feb. 26, 2024), https://www.theatlantic.com/technology/archive/2024/02/google-gemini-diverse-nazis/677575/.

[47] Thakur, Anjali, Hillary Clinton Defeated Trump in 2014: Krutrim AI's Gaffe Goes Viral, NDTV (Feb. 28, 2024), https://www.ndtv.com/feature/hillary-clinton-defeated-trump-in-2014-krutrim-ais-gaffe-goes-viral-5143739.

[48] Barik, Soumyarendra, Behind Govt Rollback of Advisory on Seeking Nod for AI Services: Industry Pushback, The Indian Express (Mar. 10, 2025), https://indianexpress.com/article/express-exclusive/behind-govt-rollback-of-advisory-on-seeking-nod-for-ai-services-industry-pushback-9877922/lite/.

by technological means, could risk undermining public trust and the goal of equitably adopting AI. To address these, a model of algorithmic federalism—balancing the union and state government roles while ensuring context-specific, navigable governance—is imperative for India's AI ecosystem to thrive responsibly.

Recommendations on Context-Specific and Navigable Algorithmic Federalism

- Establish a unified yet flexible national AI Governance Framework and allow states flexibility to adapt this framework to regional needs. This would prevent framework fatigue by reducing redundant policies and providing a navigable roadmap.
- Incorporate dual literacy programs for citizens and businesses, focusing on AI literacy (understanding AI processes) and governance literacy (navigating AI-influenced public services). Both of these are missing from current frameworks. These could be added by first having pilot programs through state Departments of IT, which should ensure context-specific outreach.
- Legislate clear accountability and redress mechanisms for AI decisions. Enact legislation under the proposed Digital India Act to define liability in AI governance across Embedded AI, Third-Party AI, and Fourth-Party AI (unauthorized use) scenarios, addressing the current legal ambiguity in apportioning liability. This ambiguity is something that has been criticized in the techno-legal approach. Fixing this could be achieved by including judicial guidelines to prevent misuse. These guidelines should mandate human verification of AI outputs in public decision-making.
- Standardize data visitation rights (as in the *Draft National Data Governance Framework Policy 2022*) across all states, beyond the current adoption by only Maharashtra, Karnataka, and Tamil Nadu, to enable seamless cross-departmental AI applications while respecting data autonomy. The Union Government should incentivize state compliance through IndiaAI Mission funding, addressing inconsistencies identified as impediments.
- Encourage states to establish AI innovation sandboxes urgently (building on Tamil Nadu's 2020 policy concept, despite non-implementation) under the IndiaAI Mission's Innovation Centre pillar.
- Facilitate knowledge-sharing between states to prevent duplication, making federalism context-specific yet collaborative.

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