

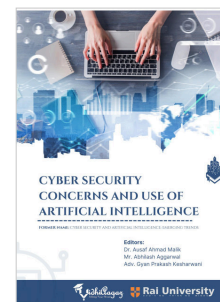
CHAPTER 21

AI in Indian Higher Education: Transforming Learning while Navigating Ethical and Legal Challenges

Matisa Majumder and Sonali Gurung

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AI IN INDIAN HIGHER EDUCATION: TRANSFORMING LEARNING WHILE NAVIGATING ETHICAL AND LEGAL CHALLENGES

Matisa Majumder²⁷ and Sonali Gurung²⁸

ABSTRACT

Artificial Intelligence (AI) has quickly emerged as a game-changer for worldwide education, altering learning is given and administered. In India, AI's potential in education is especially important with adaptive learning platforms and administrative tools that can improve both teaching efficiency and student success. However, as India becomes a leader in AI adoption, it faces unique challenges including ethical concerns around data privacy and algorithm bias, intellectual property rights, and exacerbation of socio-economic disparities. This paper explores the integration of AI in higher educational institutions, focusing on tools such as personalized learning platforms, administrative management systems, and natural language processing (NLP) applications chatbots. It also discusses a few key government initiatives, such as the National Educational Policy (NEP) 2020 and National Strategy on AI by NITI Aayog, which aim to promote AI's use in education while addressing the digital divide. Furthermore, this study examines the ethical and legal implications of AI usage, particularly regarding data protection, intellectual autonomy, and the evolving landscape of intellectual property laws. With case studies from Indian institutions and recent judicial decisions, this article emphasizes the importance of balanced AI deployment that promotes fairness, openness, and inclusivity. By addressing these concerns, AI could serve as a powerful instrument for improving education access and quality while protecting the rights of educators and students in India.

Keywords: Artificial Intelligence (AI), Higher Education, Ethical Considerations, Data Privacy, Intellectual Property.

INTRODUCTION

Education has evolved in response to technological advancements, with the introduction of digital media followed by access to e-books, online publications, news, and journals. The latest digital revolution offered by Artificial Intelligence (AI) is altering numerous sectors and education is one of them. The potential for AI in education is enormous. AI-powered adaptive learning platforms can generate individualized experiences that adapt to each student's unique needs. By identifying learning experiences that meet each student's specific needs. Beyond classroom restrictions, AI can act as an important support tool in countries such as India where a high student-to-teacher ratio is a concern. Through platforms such as Byju and Vedantu, the Indian education sector is rapidly using AI to provide personalized learning experiences to millions of students, particularly in rural areas. These AI tools are helping to bridge the gap between urban and rural education by offering scalable solutions that reach underserved regions. In addition, AI-driven Enterprise Resource Planning (ERP) systems optimize administrative functions like scheduling curriculum management and student performance analytics in schools and universities. However, challenges such as socioeconomic disparities, data privacy, and

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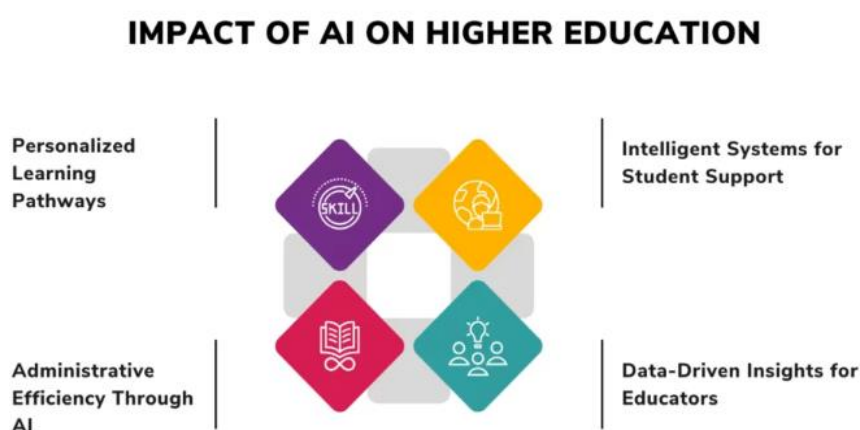
algorithm bias remain significant concerns. Therefore, to fully harness AI's potential in India, addressing these ethical and regulatory issues is essential, ensuring AI benefits are accessible to all.

AI IN EDUCATION: TRANSFORMING LEARNING IN INDIA

In education, AI is proving to be transformative, driving innovation in institutional methods, and enabling personalized learning experiences by elevating student engagement making these learning processes more efficient, adaptive, and impactful. With one of the largest networks of higher education institutions worldwide, India plays a significant role in the global education sector. India had 41.38 million students enrolled in higher education in 2020–21, according to the IBEF report. Furthermore, between 2021 and 2022, the nation's online education market is expected to grow by US\$2.28 billion.

Figure 1 Impact of AI on Higher Education

Source: Eklavya- NGO that develops and field tests innovative educational programmes



A few roles being catered by AI within the landscape of education are:

1. **Automation of Administrative Task:** A Deloitte survey revealed that 67% of education leaders believe AI will assist with tasks such as admission, grading, and managing student records by reducing educators' administrative load and improving accuracy and efficiency. According to the World Economic Forum, integrating AI into administrative work could cut the time spent on routine tasks by 20%, enabling teachers to devote more attention to teaching and mentoring students.
2. **Enhancing engagement and empowering learners:** Immersion-based learning is facilitated by technologies such as AR and VR, and instant academic support is provided by AI-powered chatbots and visual assistants that respond to queries and offer advice. This facilitates students' active engagement, leading to increased involvement and a more profound understanding of intricate ideas..
3. **Gratification and Interactive Learning:** According to a Markets and Markets report, the global market for satisfaction in education is expected to grow at a compound annual growth rate (CAGR) of 32.0% to reach USD 3.5 billion by 2025. Artificial Intelligence (AI) facilitates the

development of intelligent educational games that adjust to the proficiency and development of individual students by improving comprehension and retention.

4. **Data-driven insights:** AI analytics provides critical insights into student performance and learning behaviour. Teachers can leverage this data to pinpoint areas for improvement, adjust their teaching methods, and deliver more personalized support. However, educational institutions must also be mindful of the potential downsides of AI in learning environments.

AI tools and technologies used for Education in India

A few AI tools for students and teachers include Grammarly, which enhances writing clarity and correctness, and QuillBot, a paraphrasing tool that helps avoid plagiarism. Canva aids in creating visually appealing presentations with an intuitive UI/UX design, and Wolfram Alpha provides AI-powered answers across various subjects. Gradescope assists teachers with efficient grading feedback, leveraging AI to streamline the process, while Tutor.ai provides personalized tutoring. Other useful tools are Research Rabbit for discovering scholarly publications and Google Lens, which identifies photos and text for study purposes. These AI-powered solutions, combined with user-friendly UI/UX design, significantly enhance learning and simplify both academic and administrative tasks. Key tools such as Adobe and Figma now incorporate AI plug-ins which automates tasks and suggestions enhancing the creative landscape and building a new generation of designers. These AI tools incorporated in Indian educational platforms assists the students and the educators that intends to ease out the educational learnings.

Legislative Policies Impacting AI in Higher Education

Indian legislation is evolving to keep pace with technological advancement. The government of India has enacted various policies to foster technology-based innovation, particularly in the context of AI.

(A) National Educational Policy 2020 (NEP 2020) and AI's Impact

The National Education Policy 2020, aims to integrate technology, including AI, to transform the educational landscape in India. Key initiatives under NEP 2020 that utilize AI include:

- National Educational Technology Forum (NETF) that facilitates discussions on technology usage in education.
- E-Learning Platforms such as SWAYAM, NPTEL, and DIKSHA leverage AI-driven research and development to provide quality educational resources to a diverse student body.
- Academic Bank of Credit (ABC), employs AI to track student progress and enable credit transfers among institutions.

Therefore, NEP2020 aligns with the digital India initiative by promoting AI research in education, training educators in AI tools, and incorporating AI literacy into the curriculum to prepare students for an AI-driven future.

(B). AI Adoption in NITI Aayog

NITI Aayog is India's primary policy think tank, and plays an important role in promoting AI adoption. In 2018, it launched the National AI Strategy, which focuses on using AI to address socioeconomic challenges. The initiatives aim to improve AI literacy and facilitate educators' continuous professional development, allowing for effective technology integration in the classroom.

Key initiatives are:

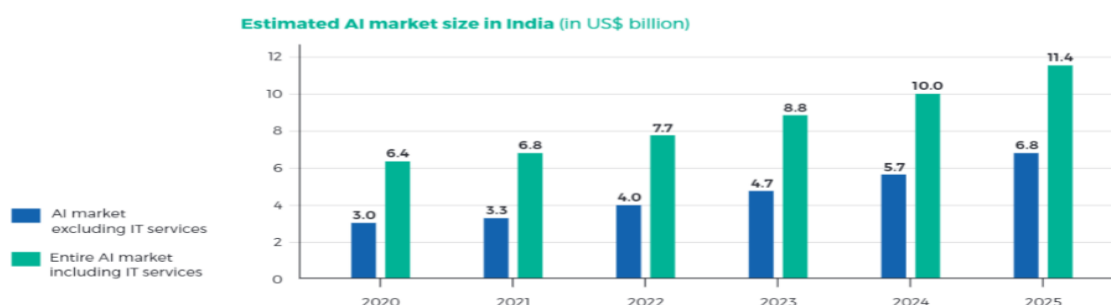
- National Strategy for Artificial Intelligence (NSAI), emphasizes using AI for personalized learning and enhancing student engagement.
- Atal Innovation Mission (AIM) through Atal Tinkering Labs (ATL) in over 5000 schools, encourages exploration in AI and technology-based innovations to promote Science, Technology, Engineering, and Mathematics (STEM) education and hands-on learning.
- AI for All in collaboration with Intel and other partners, boosts AI literacy among students and educators by enhancing the understanding of AI fundamentals and applications.

As a result, NITI Aayog encourages the development of AI-powered platforms for personalized learning, which will help to fill educational gaps and improve learning outcomes.

(C). Relevance of AI literacy in Indian Education

Both the NEP 2020 and NITI Aayog's strategies highlight the significance of AI literacy in shaping India's future, particularly given that over half the population is under 25. While elementary enrollment is high at 97%, retention rates are concerning with only 70.7% at the elementary level and 57.4 % at secondary schools. Factors contributing to these issues include multi-grade classrooms, rote learning, inadequate support for dropouts, and ineffective teacher training. Despite global EdTech spending reaching USD 160 billion in 2016, India's adoption is slow due to limited teacher training and student and educator resistance. AI offers solutions through adaptive learning tools, intelligent tutoring systems, and predictive models to identify at-risk students. Initiatives like Microsoft's collaboration with the Andhra Pradesh government exemplify AI's potential to enhance educational outcomes. NITI Aayog recognizes the urgent need for AI literacy, suggesting reskilling the workforce and prioritizing AI-related subjects in education from primary to secondary levels. As of August 2020, the value of India's AI reached US \$6.4 billion, with expectations for steady growth, highlighting the need for a workforce equipped with AI skills. Fig 2, illustrates how a steady growth of this market is expected in the following years.

Fig-2 NITI Aayog forecast on growth of AI in market in India



Source: Analytics India Magazine and Jigsaw Academy, 2020

(D) Government initiative for AI learnings in Indian Education

The government of India is reshaping E-learning through digital learning as a long-term strategy in the education sector, expanding learning beyond schools. The Ministry of Education focuses on inclusive learning by adapting enhanced digital experiences for all students. Key initiatives are:

- ***The first AI-powered Educational Tablet:*** India's first AI-enabled educational tablet featuring BharatGPT, an AI virtual assistant that provides inter-lingual translation promoting inclusivity.
- ***Atal Innovation Mission 2016,*** focuses on fostering innovation and entrepreneurship among youth with AI literacy, with 10,000 Atal Tinkering Labs (ATLs) across the nation providing training on new technologies and research.

These initiatives promote equitable learning and improve access to quality education through technology across the country. Collaborations with tech companies such as Intel and Meta. This government initiative provides valuable resources for young motivators.

ETHICAL CONSIDERATIONS REVOLVING AI IN HIGHER EDUCATION

The rapid incorporation of AI into academic institutions generates certain ethical concerns, essentially relating to data privacy, algorithm bias, and its impact on the student-teacher relationship. Additionally, the increasing reliance on AI in education risks altering traditional students' teacher dynamics, potentially weakening the personal connection and mentorship that are critical to student's development.

Ethical Challenges in India's Higher Education-

India's AI implementation in education faces unique ethical challenges due to societal disparities and cultural differences in ethical practices. AI tools are considered to have the potential to widen the gap between privileged students in urban areas and those in rural economically disadvantaged regions. We have learning platforms like Byju's which offer personalised learning experiences tailored to individual students' needs, their reach is often limited by digital literacy and access to technology in underserved areas. The Byju's model leverages advanced algorithms to create customised educational content, yet it can inadvertently exacerbate educational inequalities by favoring students who already have the resources to benefit from such technology.

Moreover, government initiatives like SWAYAM and NPTEL, have emerged to democratise education by offering free online courses to students across India. While these platforms aim to bridge the gap in the access to quality of education they also highlight ethical concerns regarding the educators-students relationship. The transition to online learning raises questions about the role of instructors, as the personalisation of education through AI tools can lead to diminished roles for teachers, transforming them to facilitators rather than active participants in the learning process.

Studies revolving ethical concerns on leveraging AI in Higher Education-

In India, certain studies show that while AI-driven platforms can augment learning engagement, they often come with dilemmas. A report by the TOI dated October 5, 2024, highlighted the data privacy concerns related to educational apps, indicating that many platforms collect sensitive student

information without adequate safeguards. This raises questions about how this data and who has access to it, necessitating strict regulatory frameworks to protect student privacy.

Algorithm bias in AI systems used in education is another pressing concern. A research report by the University Business School, Punjab University, Chandigarh, published in January 2020, found that biased algorithms could disproportionately disadvantage marginalised communities, affecting their admission prospectus and academic success. This bias is often rooted in the data used to train these algorithms, which may not adequately represent the diversity of India's student population. Furthermore, the ethical considerations in education extend beyond data privacy and algorithm bias. Another study by Indian scholars examined the changing dynamics of the educator-students relationship in the age of AI, suggesting that the reliance of AI tools may lead to diminished sense of agency among students. This shift in educational philosophy poses significant ethical challenges, as it may undermine the critical thinking and problem solving skills vital for succeeding in the current world.

LEGAL IMPLICATIONS OF AI USAGE IN HIGHER EDUCATION

The surging integration of AI in academic education presents a range of legal implications, mainly concerning data privacy, intellectual property (IP), and academic integrity in India.

India's Personal Data Protection Bills (PDPB), 2019-

Currently under the review, India's Personal Data Protection Bill seeks to regulate the collection, storage and processing of personal data. Drawing inspiration from GDPR, the Bill introduced India-specific provisions, categorising data into personal, sensitive and critical types. The Bill categorised data into personal, sensitive and critical personal data, placing obligation on the data fiduciaries to ensure transparency, accountability and security in data processing.

AI technologies often rely on vast datasets, which raises concerns about privacy and the potential misuse of personal data. The PDPB's focus on purpose limitation and data minimization directly affect AI's development, as AI systems must balance their need for data and strictly regulatory requirements. AI algorithms may process sensitive personal data (such as biometric and health data), making **Section 15** and **16** of the Bill, which deal with sensitive data handling, particularly relevant data. AI-driven businesses must ensure compliance with these provisions when such data is being used. Although this Bill is not yet enabled, the government is prioritising its passage due to the increasing significance of data-driven businesses and AI applications in India.

Intellectual Property Laws and AI in India-

With AI driving innovation in education, the Indian nation is also changing with time and reviewing its existing IP legislations to accommodate these AI generated works and inventions. IP laws such as the Patent Act, 1970 and Copyright Act, 1957, are being analysed to address new challenges posed by AI tools. Particularly linked to ownership of AI-generated content and inventions pose critical legal concerns, specifically regarding authorship and inventorship when AI plays a major role in creation. The important provisions impacted by AI are-

- **Section 6 of the Patent Act, 1970**, specifies that a patent can only be granted to a natural person or legal entity, raising questions about whether AI systems can be considered as an “inventor” for such research being done by students or educators using AI tools.
- **Section 3(d) of Patent Act, 1970**, prohibits patents for algorithms per se yet AI-driven inventions that incorporate algorithms could qualify if tied to a specific industrial application. This is still an ongoing discussion on AI and patents and its real impact on the provision is yet to be ascertained.
- **Section 13 of the Copyright Act, 1957**, gives protection to original work of authorship, however the questions remain whether AI-generated content qualifies for the protections and if so who would be credited as the “author”. With more educators as well as students using AI tools for research works, the aspect of AI and copyright authorship poses serious concerns on the ownership.
- The **Doctrine of Sweat and Brow** states that copyright protection can be granted to works that require significant effort; however, the doctrine becomes complex when applied to works generated autonomously by AI, where human efforts are minimal or non-existent.

As the current existing legal frameworks pose certain concerns with the changing times, the Ministry of Corporate Affairs and the Department of Industrial Policy and Promotion is in consultation on developing new frameworks to ensure adequate protection of AI related intellectual property. This includes complex issues surrounding ownership when AI creates products and handling of patents of AI-driven inventions.

JUDICIAL PERSPECTIVES ON POSSIBLE AI CHALLENGES IN HIGHER EDUCATION

A few landmark judgements by India courts, which seems to be farsighted and help us understand the possible challenges arising out of AI usage in higher education.

Copyright Ownership highlighted in *Vivek Kumar v. U.P. Power Corporation Ltd. (2021)*-

In this case, the Allahabad High Court dealt with copyright issues surrounding educational materials. Vivek Kumar, an educator, claimed that his original teaching material including lecture notes and presentations had been copied without permission by the U.P. Power Corporation for use in their training programs. The Court ruled in favour of Kumar, emphasising the importance of protecting origination education content from unauthorised use. This ruling is significant in understanding the implications of AI usage poses in higher education, particularly as institutions rely on AI tools to generate and distribute educational materials. The judgement reinforces the need for universities and educational institutions to respect copyright laws and ensure that any AI-generated content based on educators original materials is appropriately licensed and accredited.

Technology usage in Education Emphasised in *The State of Maharashtra v. The State of Gujarat (2020)*- This case addressed the legality of e-learning during the coronavirus pandemic. The Maharashtra government issued guidelines for online classes, including safety mandates, privacy measures and equitable access of technology to students. These guidelines were challenged by the

Gujarat government, but the supreme Court upheld the Maharashtra regulations, emphasising the importance of lawful practices in implementing technology in education. The importance of this ruling in the AI context is for highlighting the relevance of standards in use of technology in educational settings. With AI technologies being integrated into digital learning platforms , educational institutes need to ensure compliance with legal frameworks which protect students rights and privacy. This ruling encourages the development of AI usage along with prioritising ethical considerations , promoting equitable access to education.

Rights of Educators in Virtual Education Platforms accentuated in *Isha Karan v. AAI (2021)*-

In this case, educators challenged a virtual education platform policy that restricted the sharing of course material outside the platform. The Delhi High Court ruled in favour of the educator affirming the rights of educators to disseminate their academic materials while noting the need to respect copyright laws and proprietary agreements. This case is critical to comprehend the evolving landscape of AI, as it allows educators to share AI-generated or enhanced teaching materials beyond the confine of specific platforms. However the ruling also emphasised the need for clear agreements regarding ownership and rights related to AI-generated materials, using the educators to retain control over their intellectual contributions.

CONCLUSION

The journey towards an AI-driven education system is not only about the technology, but also about reimagining how knowledge is transmitted and received, and how we educate future generations for the completion of a more digital world. In India, the integration of AI into education sectors has marked a transformative era, offering unprecedented opportunities for personalized learning that have helped enhance education outcomes. Initiatives such as PM E-Vidya, DIKSHA, and the NEP 2020 show a commitment to using technology for inclusive education. But, as AI technologies and platforms emerge they have potential to address significant challenges, such as high student-to-teacher ratio and disparities in education access, particularly between the rural and urban areas. As we embrace these advancements, it is critical to remain vigilant about the ethical and legal implications. Existing legislative frameworks and ongoing discussions about intellectual property rights must adapt to protect students and educators equally. The success of AI in education is dependent on establishing a balance between innovation and ethical responsibilities. Therefore, the concerns regarding data privacy, algorithm bias, and the shifting dynamics of the educator-student relationship demand regulatory reform. Therefore, by addressing these challenges, it is believed that India can anchor the full potential of AI, ensuring that the benefits of technology are accessible to all, and fostering a more equitable and effective educational landscape.

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