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LAW IN THE AGE OF ARTIFICIAL INTELLIGENCE

A Fundamental Perspective



ABOUT THE INTERNATIONAL CONFERENCE

The International Conference on “Law in the Age of Artificial Intelligence: A Fundamental Perspective” provided an academic platform to examine the transformative impact of Artificial Intelligence on law, legal systems, governance and society.

The conference explored emerging legal and ethical questions relating to Artificial Intelligence, including intellectual property, authorship and ownership, liability, data privacy, cybersecurity, criminal justice, evidence law, human rights, ethics and accountability. It addressed the implications of Artificial Intelligence for legal education, commercial law, regulatory frameworks, policy development, research and scholarly communication.

The conference brought together academicians, research scholars, legal professionals and students to present research, exchange ideas and engage in interdisciplinary discussions. It encouraged meaningful academic dialogue and contributed towards the development of effective, ethical and inclusive legal responses to the rapidly evolving Artificial Intelligence landscape.

Conference	International Conference
Theme	Law in the Age of Artificial Intelligence: A Fundamental Perspective
Date	24 January 2026
Time	10:00 AM onwards
Mode	Online
Organised by	IQAC, Student Research Society and Library Committee
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PRINCIPAL'S MESSAGE

KES' Shri. Jayantilal H. Patel Law College



It gives me immense pleasure to welcome all academicians, research scholars, legal professionals and students to the International Conference on “Law in the Age of Artificial Intelligence: A Fundamental Perspective.”

Artificial Intelligence is transforming the way societies function and is increasingly influencing legal systems, governance, professional practices and education. These developments bring significant opportunities as well as complex legal, ethical and social challenges.

This conference provided a valuable platform for intellectual exchange and interdisciplinary dialogue on emerging issues such as data privacy, intellectual property, liability, criminal justice, human rights, ethics and the governance of Artificial Intelligence. The scholarly contributions and discussions during the conference encouraged deeper understanding and promoted responsible approaches to the use of Artificial Intelligence.

I extend my best wishes to all the speakers, researchers, presenters, participants and members of the organising team for a meaningful and intellectually enriching conference.

DR. VIRAL DAVE

I/c. Principal

KES' Shri. Jayantilal H. Patel Law College

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LAW IN THE AGE OF ARTIFICIAL INTELLIGENCE (AI): A FUNDAMENTAL PERSPECTIVE: AI AND HUMAN RIGHTS PROTECTION

Dhrishti Haresh Bhindora¹

I. ABSTRACT

The rapid evolution of Artificial Intelligence has significantly influenced legal systems worldwide, reshaping social structures and legal processes. Over the past two decades, Artificial Intelligence based technologies have been adopted in legal research, judicial administration, governance, surveillance, welfare delivery, and automated decision-making, directly affecting individual rights and obligations. Although Artificial Intelligence is promoted as enhancing efficiency and institutional effectiveness, its increasing integration within legal frameworks raises serious concerns relating to transparency, accountability, fairness, employment displacement, and the protection of fundamental human rights and personal data. The impact of Artificial Intelligence varies across generations due to differences in digital literacy, economic access, physical capability, and exposure to automated systems. Older generations often face exclusion as essential services become digitized, while younger generations experience continuous data monitoring, algorithmic profiling, and automated assessments with limited awareness or informed consent. These generational disparities present distinct human rights challenges requiring focused legal examination. This paper analyses Artificial Intelligence from a foundational legal perspective, focusing on equality, dignity, privacy, and access to justice within the Indian constitutional framework. Using doctrinal and analytical methods, it evaluates whether existing constitutional values, statutory safeguards, and judicial principles adequately regulate technological advancement. It argues that Artificial Intelligence must function only as a supplementary tool to human judgment, ethical reasoning, and constitutional morality, preventing excessive dependence that undermines human autonomy and legal accountability.

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II. KEYWORDS

Artificial Intelligence, Constitutional Law, Human Rights, Privacy, Algorithmic Governance.

III. INTRODUCTION

Traditionally, law has been viewed as a human-centered institution based on ethical obligation, social context, and moral reasoning. Judicial decision-making entails interpretation, comprehension, discretion, empathy, and sensitivity to human repercussions in accordance with the demands of society and its citizens. It is not just a mechanical application of the law. It depends on a number of things, particularly the needs and desires of the general population in the state or community, as well as their mindset, language, customs, traditions and other aspects of Indian culture. When settling conflicts or upholding rights, courts and other legal institutions are supposed to take into account fairness, proportionality, and people's lived circumstances. Therefore, issues that go well beyond efficiency or creativity are raised by the rapid and unprecedented integration, and reliance on Artificial Intelligence in legal and administrative processes.

Artificial intelligence-driven systems are being used more and more in several areas of government in contemporary India. Digital platforms oversee court administration, case flow, and education in any field, including law studies; facial recognition technologies are used for identification and surveillance; automated systems determine eligibility for welfare benefits; and predictive policing tools are used to evaluate crime patterns. People's access to legal remedies has changed dramatically as a result of the growth of electronic courts, virtual hearings, and online grievance redressal procedures. These advancements have clearly enhanced administrative reach and decreased delays, but they have also revealed significant structural disparities in society.

This change has an especially important generational component. Due to limited technology exposure, deteriorating physical capabilities, language challenges, or lack of access to digital infrastructure, elderly people frequently struggle to navigate digital platforms. When procedures become fully digital, many senior litigants who

depend on conventional ways of communicating with legal organizations are left out. Younger generations, on the other hand, are raised in algorithmic governance systems where personal information is constantly gathered, examined, and utilized to impact choices about social engagement, employment, education, and credit. However, these systems lack application of mind, decision-making authority, and analytical power. These facts give rise to urgent constitutional issues about justice access, equality, privacy, and dignity.

A. Statement of the Problem

The main issue this paper addresses is whether Indian law, which is based on human rights principles and constitutional guarantees, is sufficiently capable of regulating artificial intelligence in a way that safeguards people of all ages while allowing for technological advancement. The goal of the study is to determine if artificial intelligence's potential for efficiency can coexist with the core principles that support the rule of law.

B. Research Objectives

The present research aims to achieve the following objectives:

1. To study the growing use of Artificial Intelligence in the functioning of legal institutions and governance systems in India.
2. To critically assess how Artificial Intelligence influences fundamental rights, including equality, privacy, dignity, and access to justice.
3. To examine the effectiveness of existing constitutional safeguards and legal provisions in addressing challenges posed by Artificial Intelligence technologies.
4. To analyse the differing impact of Artificial Intelligence on various age groups, particularly in the context of digital access and inclusion.
5. To evaluate issues of bias, opacity, and responsibility in algorithm-based decision-making processes.
6. To suggest a rights-oriented and human-focused approach for regulating Artificial Intelligence within the Indian legal framework.

7. To evaluate how limited digital literacy and inability to adapt to Artificial Intelligence -driven systems may contribute to economic exclusion and unemployment among older people.

C. Research Questions

The present study is guided by the following research questions:

1. Whether the existing constitutional and legal framework in India is sufficient to regulate the use of Artificial Intelligence?
2. To what extent does Artificial Intelligence affect fundamental rights such as equality, privacy, dignity, and access to justice?
3. How do Artificial Intelligence-driven systems contribute to issues of bias, lack of transparency, and accountability, including their impact on different age groups?
4. What regulatory approach is necessary to ensure that Artificial Intelligence operates in alignment with constitutional values and human rights?

D. Research Methodology

Analytical and doctrinal approaches were used in the writing of this research work. Constitutional provisions, Supreme Court decisions, and legislative enactments, including the Digital Personal Data Protection Act, 2023, serve as the primary sources for this research work.² Academic books, peer-reviewed journal papers, government policy documents published by NITI Aayog, and international human rights instruments are examples of secondary sources.³

In order to determine whether Artificial Intelligence systems adhere to the values of equality, dignity, proportionality, and access to justice, the study uses normative constitutional reasoning. The study looks at how technological systems interact with legal principles, social reality, and individual legal professional experiences rather than depending on empirical surveys. Differential impact between age groups is assessed using a generational perspective.

² Digital Personal Data Protection Act 2023.

³ NITI Aayog, *National Strategy for Artificial Intelligence: AI for All* (Government of India 2018).

E. Literature Review

In the legal field, early scholarly interest in artificial intelligence was mostly positive. Automation was seen by academics as an impartial instrument that might increase productivity, lessen human prejudice, and improve the precision of decisions. Brynjolfsson and McAfee emphasized how digital technologies had the power to change organizations and boost productivity. They also suggested that, with the right implementation, automation may improve governance systems.

But as Artificial Intelligence systems proliferated, academics began to focus on their ethical and normative ramifications. Floridi underlined that human decisions ingrained in data sets, design procedures, and institutional goals impact artificial intelligence systems rather than making them value neutral. Because of this, algorithmic systems frequently perpetuate rather than eradicate current social injustices. Philosophical frameworks for assessing justice, fairness, and dignity in decision-making systems are provided by Dworkin and Rawls. These frameworks offer significant insights into how automated governance might be evaluated in relation to moral criteria.

Legal study in India is progressively analyzing Artificial Intelligence from the perspective of constitutional theory. Commentators stress that automated decision-making must abide by Article 14 of The Constitution of India, which forbids arbitrariness and guarantees the right to equality, which includes "equality before the law or the equal protection of the laws within the territory of India," as well as Article 21, which guarantees fundamental rights to dignity, liberty, and privacy. When Maneka Gandhi's passport was impounded by the Regional Passport Office upon directions from the Government and she was asked to surrender it, she approached the Supreme Court of India.

The Court held that executive action affecting personal liberty must satisfy the requirements of fairness, reasonableness, and non-arbitrariness.⁴ This ruling substantially expanded the meaning of Article 21 of the Constitution of India and continues to inform contemporary discussions on procedural fairness, liberty, and due

⁴ *Maneka Gandhi v Union of India* (1978) 1 SCC 248.

process.⁵ Along with reiterating the State's duty to behave in a fair, just, and reasonable manner, the ruling continues to influence and enlighten current discussions about procedural justice.

Despite the growing body of literature, limited scholarly attention has been paid to the intergenerational impact of Artificial Intelligence within the Indian legal system. Most studies focus on institutional reform or regulatory models without examining how individuals of different age groups experience automated legal processes in practice and how the society is actually getting affected by the use of Artificial Intelligence. This research seeks to address that gap by integrating generational analysis into the broader discourse on Artificial Intelligence and human rights.

IV. ARTIFICIAL INTELLIGENCE EQUALITY AND GENERATIONAL DISPARITIES

One of the fundamental tenets of the Indian Constitutional order is equality before the law. Article 14 of The Constitution of India requires fairness in both substance and practice and forbids arbitrary State action. Therefore, public authorities must adhere to criteria of fairness, transparency, and non-arbitrariness while deploying artificial intelligence.

It is common for automated decision-making systems to depend on historical data which may already reflect existing social, economic, caste-based, gendered, regional, and linguistic disparities. Consequently, such systems may reproduce discrimination under the appearance of neutrality when used in administrative decision-making, welfare distribution, policing, education, credit assessment, or employment screening. The constitutional concern is not limited to intentional discrimination.

Even a facially neutral algorithm may violate the spirit of Article 14 if its design, training data, or deployment produces arbitrary or disproportionately exclusionary outcomes. In this sense, algorithmic bias must be understood as a modern form of structural inequality.

⁵ Constitution of India 1950, art 21.

In the Indian context, the concern is particularly visible in digital policing and welfare-governance systems. The Crime and Criminal Tracking Network and Systems has been integrated with wider criminal justice databases, and official government material records the use of machine-learning-based photo matching through applications such as UNIFY. The Digital Police platform also refers to linkages with technologies such as the National Automated Fingerprint Identification System and Advanced Facial Recognition System, along with crime-data analytics for strategic planning and predictive policing.

While such tools may assist investigation and administrative coordination, they also raise serious concerns of opacity, over-policing, and unequal targeting where historical crime data reflects prior institutional bias or uneven policing practices. A predictive system trained on such data may classify certain localities or communities as higher-risk not because of objective criminality, but because of past patterns of surveillance and reporting.

Similar risks arise in welfare-eligibility and digital-benefit systems. The Aadhaar framework permits authentication for delivery of subsidies, benefits, and services funded from the Consolidated Fund, and government material also recognises the need for exception-handling where Aadhaar authentication fails. This is constitutionally significant because failure of biometric authentication, lack of internet connectivity, errors in identity databases, or absence of effective grievance redressal may result in exclusion from essential entitlements.

The Supreme Court's Aadhaar decision also recognised the use of Aadhaar for welfare benefits while limiting its wider compulsory use, thereby showing that digital identity systems must remain proportionate and rights-sensitive. Therefore, algorithmic governance cannot be assessed only by its administrative efficiency; it must also be tested against equality, dignity, accessibility, and the availability of meaningful human review.

Algorithmic governance is also rapidly influencing younger generations' access to financial services, employment opportunities, educational admissions, digital learning platforms, and online public services. Many decisions affecting young

persons are now shaped by scoring, ranking, profiling, filtering, or recommendation systems. The difficulty lies in the fact that affected individuals often do not know whether an algorithm has influenced the decision, what data has been used, or how an adverse result may be challenged. This creates a procedural deficit. Where a person is denied a loan, shortlisted out of employment, flagged as suspicious, or deprived of a welfare benefit due to an automated system, the absence of reasons and review mechanisms undermines fairness.

This problem is equally serious for elderly persons, rural populations, persons with disabilities, and economically weaker groups. Digital-only systems assume literacy, connectivity, device ownership, language familiarity, and the capacity to navigate online interfaces. These assumptions do not reflect Indian social realities. Therefore, the constitutional analysis must recognise that Artificial Intelligence may create both direct and indirect discrimination. Direct discrimination may occur where an algorithm uses protected or proxy characteristics to disadvantage a group. Indirect discrimination may occur where a uniform digital process disproportionately excludes persons who cannot effectively access or understand the system.

As stated in *E.P. Royappa v. State of Tamil Nadu*, arbitrariness is antithetical to equality. Accordingly, when an opaque algorithmic system produces outcomes that cannot be explained, reviewed, or corrected, it threatens the substantive content of Article 14. As recognised by the Supreme Court, arbitrariness is incompatible with the constitutional guarantee of equality. This position is particularly relevant where opaque algorithmic systems produce adverse outcomes that affected individuals cannot understand, contest, or seek to correct.⁶ Artificial intelligence poses a threat to the substantive content of equality, one of the fundamental legal principles safeguarded by the Constitution, in the absence of sufficient safeguards.

V. PRIVACY, SURVEILLANCE AND HUMAN DIGNITY

An important turning point in Indian constitutional law was the recognition of privacy as a fundamental right by the Supreme Court of India.⁷ The Supreme Court

⁶ *E P Royappa v State of Tamil Nadu* (1974) 4 SCC 3.

⁷ *Justice K S Puttaswamy (Retd) v Union of India* (2017) 10 SCC 1.

recognised privacy as integral to autonomy, dignity, and individual liberty under Article 21 of the Constitution.⁸ The ramifications of this ruling on artificial intelligence-based spying are extensive.

Large-scale data collection and continuous surveillance are made possible by technologies such as facial recognition, biometric identification, predictive analytics, behavioural monitoring, and automated profiling. The DPDP Rules, 2025 are relevant because they require Data Fiduciaries to adopt security safeguards and prescribe clear protocols for personal-data breach notification. In the event of a personal-data breach, Data Fiduciaries are required to inform affected individuals in plain language about the nature and possible consequences of the breach, the steps taken to address it, and contact details for assistance.

These safeguards are important in AI contexts because training datasets, biometric repositories, and behavioural profiles may cause serious and irreversible harm if compromised. Legality, necessity, proportionality, and procedural safeguards must all be met by any invasion of privacy. Although consent-based data-processing requirements were introduced by the Digital Personal Data Protection Act, 2023, the practical operation of India's data-protection regime must now be read together with the Digital Personal Data Protection Rules, 2025. The Rules, notified by the Ministry of Electronics and Information Technology in November 2025, operationalise the Act through a phased compliance framework dealing with consent notices, Consent Managers, breach notification, security safeguards, rights of Data Principals, children's data, Significant Data Fiduciaries, and the functioning of the Data Protection Board of India.¹

However, while the Act and Rules strengthen India's personal-data protection structure, they still do not comprehensively address algorithmic transparency, explainability, profiling, or the right to receive reasons for automated decisions.⁹ However, many Artificial Intelligence systems cannot operate without large-scale processing of personal data, behavioural data, biometric data, or inferred data. The

⁸ Constitution of India 1950, art 21; *Justice K S Puttaswamy (Retd) v Union of India* (2017) 10 SCC 1.

⁹ Digital Personal Data Protection Act 2023; Ministry of Electronics and Information Technology, *Digital Personal Data Protection Rules, 2025* (Government of India 2025).

DPDP Rules, 2025 attempt to make consent more operational by requiring Data Fiduciaries to provide clear and standalone notices explaining the specific purpose for which personal data is collected and used.

The Rules also recognise Consent Managers as intermediaries through which individuals may give, manage, review, or withdraw consent.¹⁰ This is a significant improvement over unilateral standard-form digital consent. Nevertheless, in the context of AI-driven profiling and surveillance, consent may remain practically weak where users do not understand how their data will be combined, inferred, retained, or used to generate automated predictions about them.

A further important development concerns children's data. The DPDP Rules, 2025 require verifiable parental consent before processing children's personal data, subject to limited exemptions for essential purposes such as healthcare, education, and real-time safety.

This is significant for Artificial Intelligence because children are increasingly exposed to digital learning platforms, recommendation systems, behavioural advertising, biometric attendance systems, and automated educational assessments. The regulation of children's data must therefore be understood not merely as a matter of consent, but as a question of dignity, autonomy, and protection from behavioural manipulation. At the same time, the Rules do not fully resolve the deeper issue of algorithmic profiling of minors, particularly where educational or social data may affect future opportunities.

The phased implementation of the DPDP Rules, 2025 must also be acknowledged. The first phase commenced in November 2025 with provisions relating to the institutional framework, including the Data Protection Board of India. Consent Manager provisions are scheduled to come into force in November 2026, while the core substantive compliance obligations are expected to become fully applicable in May 2027.

¹⁰ Ministry of Electronics and Information Technology, *Digital Personal Data Protection Rules, 2025* (Government of India 2025).

This phased timeline is important for the present research because, during the transition period, India's data-protection regime is only partially operational. Therefore, the current framework represents an important but incomplete safeguard against AI-driven data collection, surveillance, and profiling. Until the principal compliance obligations become fully enforceable, constitutional standards under Articles 14 and 21 remain essential in evaluating the legality of AI-based surveillance and automated data processing.

While younger people may accept continuous digital monitoring as a routine feature of online life, older persons may not fully understand how their personal data is collected, analysed, inferred, or monetised. The DPDP Rules, 2025 strengthen the position of Data Principals by recognising rights to access, correction, updating, erasure, grievance redressal, and nomination. Data Fiduciaries must respond to such requests within the prescribed period. These rights are constitutionally relevant because meaningful control over personal data forms part of informational self-determination.

However, for elderly persons, rural users, persons with disabilities, and digitally excluded groups, the effectiveness of these rights will depend on whether grievance systems are accessible, multilingual, simple, and supported by human assistance. Accordingly, unchecked surveillance compromises informational self-determination, diminishes human dignity, and may cause harms that individuals are unable to detect or contest. The DPDP Act, 2023 and the DPDP Rules, 2025 together mark a major development in India's privacy framework by introducing consent architecture, breach-notification duties, security safeguards, Data Principal rights, children's-data protections, and a digital-first Data Protection Board. However, these safeguards remain only a partial answer to AI-driven surveillance.

They regulate personal-data processing, but they do not yet provide a complete legal framework for algorithmic explainability, automated decision-making, inferential profiling, biometric surveillance, or the right to obtain reasons for algorithmic outcomes. Therefore, AI-based surveillance must continue to be tested against the constitutional requirements of legality, necessity, proportionality, procedural fairness, and human dignity.

VI. ACCESS TO JUSTICE TECHNOLOGY AND INDIAN COURTS

These technological initiatives, including e-Courts, virtual hearings, and digital case management systems, have expanded the reach of the judiciary, while simultaneously raising concerns regarding inclusivity. These developments became particularly prominent during the COVID-19 pandemic, when physical access to courts was restricted and digital platforms became the primary mode of adjudication.

The Supreme Court of India, along with various High Courts, has time and again issued various circulars and guidelines to institutionalise the use of video conferencing, e-filing and the digital processes. Such measures have contributed to reducing delays, improving case management, and ensuring continuity in judicial functioning. At the same time, they reflect an evolving recognition that technology can play a supportive role in strengthening the justice delivery system.

However, the increasing reliance on digital infrastructure raises important concerns regarding equitable access to justice due to limited internet access, lack of digital literacy, and language barriers, which continue to pose significant challenges for elderly litigants, rural populations, and economically disadvantaged groups. Even members of the judiciary accustomed to conventional methods may encounter difficulties in adapting to fully digital processes.

The Supreme Court permitted the recording of evidence through video conferencing under section 273 of the Code of Criminal Procedure, 1973, while maintaining that technological adoption must remain consistent with due process and fair-trial guarantees.¹¹

Accordingly, artificial intelligence-driven tools in court administration should serve as aids to judicial processes rather than as replacements for human judgment. While efficiency is an important component of access to justice, it must be balanced with inclusivity, meaningful participation, and a nuanced understanding of human circumstances.

¹¹ *State of Maharashtra v Praful Desai* (2003) 4 SCC 601; Code of Criminal Procedure 1973, s 273.

VII. ARTIFICIAL INTELLIGENCE AND THE INDIAN LEGAL AND REGULATORY FRAMEWORK

There is currently no comprehensive legislation in India that is specifically focused on Artificial Intelligence. However, the regulatory position has materially developed with the India AI Governance Guidelines, 2025, issued under the Ministry of Electronics and Information Technology and the IndiaAI Mission.¹² The Guidelines do not recommend an immediate standalone AI statute. Instead, they adopt a sectoral, principle-based, and agile governance model under which existing laws relating to information technology, data protection, consumer protection, civil liability, and criminal law may be applied to AI-related harms, while targeted amendments may be introduced where specific regulatory gaps arise.¹³

However, it does not create a complete framework for algorithmic explainability, risk classification, independent audits, or remedies against automated decision-making. Therefore, although it is relevant to Artificial Intelligence systems that process personal data, it cannot by itself address all constitutional concerns arising from AI-led governance.

A useful comparative reference is the European Union Artificial Intelligence Act. The European Commission states that the AI Act entered into force on 1 August 2024 and adopts a risk-based approach, under which the regulatory burden increases with the level of risk posed to safety and fundamental rights. It prohibits certain unacceptable-risk practices, including forms of social scoring, and imposes stricter obligations on high-risk AI systems. The EU framework is significant for India not because it should be copied mechanically, but because it demonstrates a rights-sensitive legislative model in which Artificial Intelligence is classified according to its potential impact on individuals and society. Through obligations imposed on data fiduciaries concerning consent, purpose limitation, and data security, the Digital Personal Data Protection

¹² Ministry of Electronics and Information Technology, *India AI Governance Guidelines: Enabling Safe and Trusted AI Innovation* (Government of India 2025).

¹³ Ministry of Electronics and Information Technology, *India AI Governance Guidelines: Enabling Safe and Trusted AI Innovation* (Government of India 2025).

Act, 2023 indirectly regulates certain Artificial Intelligence systems that process personal data.¹⁴

NITI Aayog's policy documents emphasise social benefit, inclusion, accountability, and responsible deployment of Artificial Intelligence. These policy initiatives are important because they recognise that AI should be used for public welfare and not merely for technological efficiency. However, such documents are not legally binding and do not provide enforceable remedies to individuals affected by algorithmic decisions. This creates a gap between policy aspiration and legal protection.

India may therefore consider a calibrated regulatory model that draws from comparative approaches while remaining grounded in Indian constitutional law. A rights-oriented AI framework should identify high-risk sectors such as policing, criminal justice, welfare delivery, education, health, employment, and financial access. It should require prior impact assessment, publication of basic information about automated systems, regular bias audits, independent oversight, accessible grievance redressal, and mandatory human review where rights or entitlements are affected.

Such a framework would be consistent with Articles 14, 19, and 21 of the Constitution of India because it would restrain arbitrary State action, protect decisional autonomy, and ensure that technological governance remains accountable to constitutional morality. The institutional structure proposed under the Guidelines is also relevant. The Guidelines recommend a whole-of-government approach involving ministries, sectoral regulators, standards bodies, and other public institutions. They propose the creation of an AI Governance Group to coordinate AI policy, supported by a Technology and Policy Expert Committee, while the AI Safety Institute is expected to provide technical expertise, safety testing, risk assessment, and research support.¹⁵ This model may improve coordination and technical capacity.

However, because enforcement powers remain largely with sectoral regulators, the framework may produce uneven protection unless common constitutional standards

¹⁴ Digital Personal Data Protection Act 2023.

¹⁵ Ministry of Electronics and Information Technology, *India AI Governance Guidelines: Enabling Safe and Trusted AI Innovation* (Government of India 2025).

are applied across sectors. For instance, the use of AI in banking, policing, welfare delivery, education, and judicial administration may raise different regulatory questions, but each must still satisfy the constitutional requirements of non-arbitrariness, proportionality, transparency, and meaningful remedy.

The Supreme Court has articulated the doctrine of proportionality as a standard for assessing the validity of State action affecting fundamental rights. Although this principle was not developed in the specific context of Artificial Intelligence, it may be extended to evaluate AI-driven governance systems.¹⁶ However, where AI systems affect liberty, welfare entitlement, policing, employment, education, privacy, or access to justice, proportionality requires stronger safeguards, including impact assessment, reasoned decision-making, human review, grievance redressal, and auditability.

Accordingly, India's current framework should be understood as an important governance step, but not as a complete substitute for a future enforceable rights-based AI law or binding sector-specific rules in high-risk domains. The increasing reliance on Artificial Intelligence-driven systems may disproportionately exclude older people lacking digital skills, thereby indirectly restricting their right to practise a profession or carry on any occupation, trade or business to all citizens. Accordingly, Artificial Intelligence regulation must ensure that technological advancements do not impose disproportionate burdens on vulnerable age groups or people at large.

VIII. IMPACT ON THE LEGAL PROFESSION AND ACCOUNTABILITY

The use of Artificial Intelligence tools in legal research, drafting, and case analysis is growing. These tools increase productivity and save time, but they also raise ethical questions about competence, confidentiality, and independent judgment. Particularly among younger practitioners, an excessive dependence on automated outputs runs the risk of undermining professional accountability and analytical abilities.

The issue of accountability is still very important. When Artificial Intelligence systems affect court decisions, developers, administrators, and institutions share

¹⁶ *Modern Dental College and Research Centre v State of Madhya Pradesh* (2016) 7 SCC 353; Constitution of India 1950, art 19(1)(g).

accountability. The Indian constitutional framework recognises remedies before the Supreme Court and High Courts for violation of fundamental and legal rights. This remedial structure requires clear accountability mechanisms where harm is caused by automated or algorithmic decision-making.¹⁷

IX. SUGGESTIONS AND RECOMMENDATIONS

1. **Rights-Based Artificial Intelligence Governance Framework:** India should build upon the India AI Governance Guidelines, 2025 by converting core safeguards into enforceable obligations in high-risk sectors. Although the Guidelines presently prefer existing laws, sectoral regulation, voluntary measures, and targeted amendments over a standalone AI statute, rights-affecting uses of AI require binding standards on transparency, accountability, bias mitigation, human review, and grievance redressal.
2. **Coordinated Oversight Through AI Governance Institutions:** The proposed AI Governance Group, Technology and Policy Expert Committee, and AI Safety Institute should be given clear mandates to coordinate policy, develop risk-assessment standards, support sectoral regulators, and monitor AI-related harms. However, their role should be supplemented by accessible complaint mechanisms and enforceable remedies before competent regulators, courts, or statutory authorities where AI systems violate fundamental or legal rights.
3. **Algorithmic Transparency and Regular Audits:** Artificial Intelligence systems used in governance and legal processes should be subject to periodic audits to minimise bias and ensure fairness in decision-making.
4. **Mandatory Algorithmic Impact Assessment:** Before deploying Artificial Intelligence systems in governance, policing, welfare delivery, education, or employment, public authorities should conduct an algorithmic impact assessment. Such assessment should examine the purpose of the system, categories of data used, possibility of bias, likely impact on vulnerable groups, privacy risks, and availability of human review.

¹⁷ Constitution of India 1950, arts 32 and 226.

5. **Human Review in Rights-Affecting Decisions:** No Artificial Intelligence system should be permitted to make final decisions affecting liberty, welfare benefits, legal status, employment, or access to essential public services without meaningful human supervision. Human review must not be merely formal; it should include authority to correct, override, or reconsider automated outcomes.
6. **Comparative Rights-Based Regulation:** India should consider adopting a risk-based regulatory structure for Artificial Intelligence, particularly for high-risk uses in policing, courts, welfare administration, and public-service delivery. The European Union AI Act offers a useful comparative model because it links regulatory obligations with the risk posed by AI systems to safety and fundamental rights.

X. CONCLUSION

In the judicial system, artificial intelligence is a transformative force. Although technology presents chances for productivity and creativity, it also calls into question fundamental principles of fairness, equality, and dignity. This study has shown that the effects of Artificial Intelligence differ by generation, resulting in widespread surveillance for younger populations and exclusion for older people. Indian constitutional law, which upholds equality, proportionality, dignity, privacy, and access to justice, offers a strong normative basis for regulating Artificial Intelligence. However, constitutional principles alone cannot resolve every operational problem created by algorithmic governance. The absence of a specific statutory framework leaves substantial uncertainty regarding transparency, explainability, liability, independent audits, and remedies for persons affected by automated decisions. This gap becomes especially serious where Artificial Intelligence is used in areas such as predictive policing, digital welfare delivery, facial recognition, judicial administration, employment screening, or financial access.

The central constitutional concern is that technology must not convert administrative convenience into legal arbitrariness. Artificial Intelligence may assist the State and legal institutions, but it must not displace human judgment, procedural fairness, or the right to challenge adverse decisions. A rights-oriented Indian AI framework

should therefore combine innovation with accountability. It should adopt safeguards such as risk classification, algorithmic impact assessment, bias audits, human review, accessible grievance mechanisms, and special protection for digitally excluded groups.

Only such an approach can ensure that Artificial Intelligence strengthens justice delivery without weakening constitutional morality, human autonomy, and the dignity of individuals. The India AI Governance Guidelines, 2025 represent a significant policy development by adopting a principle-based, sectoral, and whole-of-government model for AI governance. At the same time, the Guidelines do not create a comprehensive enforceable statute and expressly prefer existing laws, voluntary measures, sectoral regulation, and targeted amendments at the present stage.

Therefore, India's AI framework remains transitional. To ensure that Artificial Intelligence enhances rather than compromises justice, this policy framework must be developed into binding rights-based safeguards wherever AI affects equality, privacy, dignity, liberty, welfare access, employment, policing, or access to justice. To prevent technological advancement from undermining constitutional morality, law must continue to be based on human judgment.

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