



ISSN: 2583-7753

LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

[ISSN: 2583-7753]



Volume IV | Special Issue I

2026

Special Issue on the International E-Conference on

“Law in the Age of Artificial Intelligence: A Fundamental Perspective”

Organised by KES’ Shri J. H. Patel College of Law, Mumbai, on 24 January 2026

Official Publication Partner: LawFoyer International Journal of Doctrinal Legal Research

DOI: <https://doi.org/10.70183/lijdlr.2026.v4si1.18>

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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
Publication Partner	LawFoyer International Journal of Doctrinal Legal Research [ISSN: 2583-7753]

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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*Papers presented at the conference are published in the Special Issue of the LawFoyer International Journal of
Doctrinal Legal Research [Volume IV, Special Issue I, 2026]*

LAW IN THE AGE OF ARTIFICIAL INTELLIGENCE: A FUNDAMENTAL PERSPECTIVE

Sanjay Anjana Damodare¹

I. ABSTRACT

Artificial Intelligence (AI) is increasingly being adopted in India across sectors such as governance, law enforcement, welfare administration, and the justice delivery system. While AI offers efficiency and improved decision-making, its growing use raises serious concerns regarding the protection of human rights in the Indian context. This paper examines the impact of AI technologies on fundamental rights guaranteed under the Constitution of India, particularly the rights to equality, freedom, privacy, and life and personal liberty under Articles 14, 19, and 21. The study focuses on the use of AI-driven tools such as facial recognition systems, predictive policing, biometric identification, and automated decision-making in public administration. It highlights the risks of algorithmic bias, lack of transparency, mass surveillance, and exclusion of vulnerable and marginalised groups. The research adopts a doctrinal and analytical methodology, relying on constitutional provisions, judicial precedents, policy documents, and international human rights standards to assess AI-related rights implications. These concerns are analysed in light of Indian constitutional jurisprudence, with specific reference to the Supreme Court's decision in Retired Justice K.S. Puttaswamy v. Union of India, which recognised the right to privacy as a fundamental right and developed the proportionality framework for evaluating State action affecting privacy. The paper also examines India's emerging legal and policy framework, including the Digital Personal Data Protection Act, 2023, and governmental initiatives on responsible AI. It argues that existing safeguards remain inadequate to fully address the human rights challenges posed by AI technologies. The paper concludes by emphasising the need for a human right-based regulatory framework that incorporates principles of transparency, accountability, proportionality, and human oversight, ensuring that the use of AI in India aligns with constitutional values and democratic governance.

¹ 3rd Semester, Criminal Law & Criminal Administration Student at Kes' Shri. Jayantilal H. Patel LawCollege (India).Email: sanjay.damodarea@gmail.com

II. KEYWORDS

Artificial Intelligence, Fundamental Rights, Algorithmic Bias, Right to Privacy, Constitutional Governance.

III. INTRODUCTION

Artificial Intelligence refers to computational systems capable of performing tasks that traditionally require human intelligence, including learning, reasoning, prediction, and autonomous decision-making. In recent years, AI technologies have been rapidly adopted across sectors such as healthcare, finance, education, law enforcement, and public administration. Governments increasingly rely on algorithmic tools for welfare distribution, predictive policing, and risk assessment, while private corporations deploy AI in recruitment, consumer profiling, and content moderation.

Human rights, as articulated in the Universal Declaration of Human Rights (United Nations, 1948) and subsequent international covenants, are designed to protect individual dignity, autonomy, and equality. The integration of AI into decision-making systems raises critical questions about whether these rights remain adequately protected in automated environments. Concerns arise when opaque algorithms make determinations that affect access to employment, credit, public services, or liberty, often without meaningful human oversight.

The legal challenge lies in reconciling technological innovation with rights protection. Traditional legal frameworks are largely premised on human decision-makers and clear lines of accountability. AI systems, by contrast, operate through complex models that may be difficult to interpret or challenge. This has led scholars to question whether existing legal doctrines can effectively address AI-induced harms. [Burrell, J. (2016). How the machine 'thinks': Understanding opacity in machine learning algorithms. *Big Data & Society*, 3(1), 1-12]

Human rights, as recognised under international law and the Indian Constitution, are universal, inalienable, and enforceable against the State. The interaction between AI and human rights becomes critical when algorithmic systems influence decisions affecting individuals' rights, opportunities, and freedoms. Concerns arise from the

fact that AI systems are not value-neutral and may reproduce existing social biases embedded in data or design.

This paper adopts a fundamental legal perspective to analyse AI's impact on human rights and assess the adequacy of current legal mechanisms. It argues that while existing human rights law remains relevant, it must be supplemented by AI-specific regulatory standards to ensure accountability, transparency, and fairness in the age of artificial intelligence.

The central research problem addressed in this paper is the gap between India's rights-protective constitutional jurisprudence and the absence of comprehensive AI-specific statutory safeguards. Although Articles 14, 19, and 21 of the Constitution, particularly as interpreted in *Justice K.S. Puttaswamy v. Union of India*, provide a strong normative foundation for privacy, equality, dignity, and due process, they do not by themselves create detailed standards for algorithmic transparency, bias auditing, automated decision-making, or liability for AI-induced harms. This gap raises the question of how India can ensure that AI deployment remains consistent with constitutional values while permitting responsible technological innovation.

A. Research Objectives

The objectives of this study are:

1. To examine the impact of AI technologies on fundamental human rights.
2. To evaluate the adequacy of existing human rights frameworks in addressing AI-related challenges.
3. To identify accountability gaps arising from automated decision-making systems.
4. To propose legal and policy measures for rights-based AI governance.
5. To contribute to academic discourse on law and technology from a human rights perspective.

B. Research Questions

Existing human rights frameworks, while normatively robust, are insufficient on their own to address the unique risks posed by AI technologies, necessitating specialized regulatory mechanisms.

1. How does AI affect core human rights protections?
2. Are existing legal frameworks adequate to regulate AI-induced harms?
3. What legal safeguards are necessary to ensure transparency and accountability in AI systems?
4. How do Artificial Intelligence technologies impact fundamental rights under the Constitution of India?
5. To what extent do AI-driven governance practices comply with the guarantees under Articles 14, 19, and 21 of the Constitution of India?
6. Are the existing legal and policy frameworks in India adequate to effectively regulate Artificial Intelligence and safeguard human rights?

C. Research Methodology

This research adopts a doctrinal and analytical methodology to examine the intersection between Artificial Intelligence (AI) and human rights within the Indian constitutional framework. The study primarily relies on secondary sources of data, including statutory provisions, judicial decisions, policy documents, academic literature, and international reports.

The doctrinal approach is used to analyse the legal framework governing human rights in India, particularly the provisions contained in Part III of the Constitution of India, with specific reference to Articles 14, 19, and 21. Landmark judicial pronouncements, such as *Justice K.S. Puttaswamy v. Union of India* and *Maneka Gandhi v. Union of India*, are critically examined to understand the evolving interpretation of fundamental rights in the context of technological advancements.

The research further adopts an analytical method to evaluate the impact of AI technologies such as facial recognition systems, predictive policing, and automated decision-making on human rights. This involves identifying key challenges including algorithmic bias, lack of transparency, surveillance concerns, and accountability

deficits. The study also engages in a comparative analysis by referring to international frameworks such as the European Union's AI regulatory model and guidelines issued by global human rights bodies.

In addition, a qualitative approach is employed to interpret policy developments in India, including the Digital Personal Data Protection Act, 2023, and governmental initiatives on responsible AI. The research does not involve empirical or field-based data collection and is limited to doctrinal and policy analysis.

The methodology is further guided by a human right-centric framework, ensuring that all analysis is aligned with principles of constitutional morality, proportionality, and protection of human dignity. This approach enables a critical assessment of whether existing legal safeguards are adequate to address emerging challenges posed by AI technologies in India.

D. Scope and significance

This research focuses on the legal implications of Artificial Intelligence (AI) deployment in both public and private sectors, with particular emphasis on its use by the Indian State and its impact on constitutional governance. It examines key areas such as law enforcement, welfare administration, surveillance, and public decision-making, while addressing critical issues of privacy, equality, freedom of expression, and due process within the framework of international human rights law and the Constitution of India.

The study is significant in light of India's large population and the widespread adoption of digital governance tools, where AI-related rights violations can have far-reaching consequences. By adopting a rights-based approach, the paper contributes to the evolving constitutional discourse on emerging technologies and highlights the need for ethical and lawful AI governance in democratic societies. It is particularly relevant for policymakers, legal practitioners, judges, scholars, and civil society organisations striving to strike a balance between technological innovation and the protection of fundamental rights.

E. Review of literature

Scholarly discourse on AI and human rights is interdisciplinary, combining insights from law, ethics, technology studies, and political theory. A significant portion of the literature focuses on algorithmic bias and its discriminatory consequences. Barocas and Selbst (2016) argue that automated decision-making systems often reproduce existing social inequalities due to biased training data and flawed proxy variables. Similarly, Noble (2018) demonstrates how search engine algorithms reinforce racial and gender stereotypes, raising serious concerns about equality and non-discrimination.

Privacy has emerged as another central theme in AI scholarship. AI systems depend heavily on large-scale data collection, leading to heightened risks of surveillance and loss of autonomy. Zuboff (2019) conceptualizes this phenomenon as “surveillance capitalism,” where personal data is commodified, often without meaningful consent. Scholars emphasize that AI-enabled surveillance technologies, particularly facial recognition, pose direct threats to the right to privacy and freedom of movement (United Nations, 2021).

Transparency and accountability constitute a third major area of concern. Burrell (2016) identifies algorithmic opacity as a structural barrier to accountability, making it difficult for individuals to understand or challenge automated decisions. Wachter et al. (2017) critique the assumption that data protection laws alone can guarantee explainability, arguing for stronger legal rights to meaningful explanations.

At the institutional level, international organizations have begun addressing AI governance. The United Nations High Commissioner for Human Rights has affirmed that international human rights law applies fully to digital and AI-driven contexts (United Nations, 2021). The OECD AI Principles and the European Union’s Artificial Intelligence Act, Regulation (EU) 2024/1689, reflect growing recognition of the need for risk-based and rights-sensitive AI regulation.

The EU AI Act is no longer a proposed framework; it is an enacted legal instrument that entered into force on 1 August 2024 and applies through a phased structure, including earlier application of rules on prohibited AI practices and later obligations relating to general-purpose and high-risk AI systems. However, scholars such as

Taddeo and Floridi (2018) caution that ethical guidelines without legal enforceability are insufficient to protect rights effectively.

IV. PUTTASWAMY PROPORTIONALITY TEST IN THE CONTEXT OF AI AND HUMAN RIGHTS

The recognition of the right to privacy as a fundamental right by the Supreme Court in *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017) marked a significant development in Indian constitutional law. The Court held that any State action infringing privacy must satisfy the test of proportionality. The majority judgment articulated a three-fold test (often read alongside procedural safeguards) to determine the constitutionality of such restrictions.

A. Three-Fold Proportionality Test

1. **Legality (Existence of Law):** The first requirement is that any restriction on the right to privacy must have a basis in law. State action cannot be arbitrary or based on executive discretion alone; it must be backed by a validly enacted law.
2. **Application to AI:** In the context of AI technologies such as facial recognition systems, surveillance tools, or data analytics platforms, their deployment must be authorised by a clear and specific legal framework. The absence of statutory backing for many AI-driven surveillance systems in India raises concerns regarding their constitutionality.
3. **Legitimate Aim (Need/State Interest):** The second requirement is that the law must pursue a legitimate State aim. The objective behind the restriction must be necessary in a democratic society, such as national security, public order, or prevention of crime.
4. **Application to AI:** AI tools used for predictive policing or national security purposes may satisfy this requirement if they genuinely aim to enhance public safety. However, vague or overly broad justifications cannot legitimise invasive surveillance practices. The State must clearly demonstrate the necessity of deploying AI systems.
5. **Proportionality (Rational Nexus and Least Restrictive Means):** The third requirement is that the restriction must be proportionate, meaning:

- There must be a rational connection between the measure and the objective, and
 - The measure must be the least restrictive alternative available.
6. **Application to AI:** Even if AI deployment is lawful and pursues a legitimate aim, it must not be excessive or intrusive. For example, mass surveillance using facial recognition may fail the proportionality test if less intrusive methods could achieve the same objective. The use of AI must be carefully calibrated to avoid unnecessary infringement of individual rights.

B. Additional Requirement: Procedural Safeguards

Although often discussed as part of proportionality, the Court also emphasised the need for procedural safeguards against abuse, including:

1. Transparency
2. Oversight mechanisms
3. Accountability and remedies

The *Puttaswamy* proportionality test provides a crucial constitutional framework for evaluating the legality of AI-driven State actions in India. By requiring legality, legitimate aim, and proportionality along with procedural safeguards it ensures that technological advancements do not override fundamental rights. In the context of AI governance, strict adherence to this test is essential to balance innovation with the protection of privacy, dignity, and individual autonomy.

Privacy has emerged as a central theme following the landmark decision in *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017). Scholars note that AI-driven data processing poses new challenges to informational self-determination and consent (Khera, 2019). The literature also critiques the lack of transparency in government algorithms, warning that automated decision-making may violate principles of natural justice (Ramanathan, 2021).

2.6 Policy-oriented studies emphasise the need for responsible AI governance. Earlier reports by NITI Aayog advocated ethical AI principles such as fairness, accountability, and inclusivity. However, India's AI policy landscape has developed further with the release of MeitY's India AI Governance Guidelines on 5 November 2025 and the RBI's

Framework for Responsible and Ethical Enablement of Artificial Intelligence (FREE-AI) Committee Report in August 2025.

MeitY's Guidelines adopt a flexible, whole-of-government and sectoral-regulator approach, under which ministries, sectoral regulators, standard-setting bodies, and public institutions are expected to coordinate AI governance rather than rely immediately on a single horizontal AI statute. The Guidelines also emphasise transparency, grievance redressal, voluntary compliance frameworks, techno-legal risk mitigation, bias detection, explainability, and human-centric AI deployment.

The RBI FREE-AI Committee Report is particularly significant because it provides a sector-specific governance framework for the financial sector, where AI is increasingly used in credit scoring, fraud detection, customer profiling, and risk assessment. Its seven guiding principles, or "Sutras," are: Trust is the Foundation; People First; Innovation over Restraint; Fairness and Equity; Accountability; Understandable by Design; and Safety, Resilience and Sustainability. These principles directly correspond to the human rights concerns discussed in this paper, especially algorithmic bias, exclusion, privacy, explainability, and accountability.

These recent frameworks strengthen India's responsible AI discourse by recognising the need for risk mitigation, institutional coordination, transparency, and sector-specific oversight. Nevertheless, they do not fully resolve the constitutional concerns arising under Articles 14, 19, and 21, because many safeguards continue to operate through policy guidance, voluntary standards, or sectoral supervision rather than through a comprehensive, enforceable AI-specific statute. The literature and policy framework therefore reveal an important gap between constitutional ideals and technological practice, necessitating clearer legal standards on algorithmic accountability, rights-based impact assessments, human oversight, and remedies for AI-induced harms.

V. ANALYSIS

A. AI and Privacy

Privacy is a fundamental human right recognised under Article 21 of the Constitution of India, particularly after the landmark judgment in *Justice K.S. Puttaswamy v. Union*

of India. AI technologies, which rely heavily on data collection and processing, pose significant challenges to the protection of privacy.

AI systems often require vast amounts of personal data, including sensitive information such as biometric, behavioural, and location data. The aggregation and analysis of such data enable profiling and surveillance, which can infringe upon individual autonomy and dignity. Large-scale surveillance systems, particularly those using facial recognition technology, raise concerns about mass monitoring and misuse of personal data.

Another issue is the lack of informed consent and transparency in data collection practices. Individuals are often unaware of how their data is being used, shared, or stored. This undermines the principle of informational self-determination, which is central to the right to privacy.

While the Digital Personal Data Protection Act, 2023 represented an important step towards regulating digital personal data processing, the subsequent notification of the Digital Personal Data Protection Rules, 2025 has materially advanced India's privacy framework by operationalising several provisions of the Act. The Rules were notified in November 2025 and introduce a phased compliance structure, including an eighteen-month transition period for several substantive obligations. They also establish a digital-first Data Protection Board of India, thereby creating the institutional mechanism for enforcement and adjudication of complaints.

The DPDP Rules, 2025 impose operational duties on data fiduciaries, including the requirement of clear and understandable notice, consent-related mechanisms, reasonable security safeguards, and protocols for personal data breach notification. These obligations are relevant to AI-driven data processing because AI systems often depend on large volumes of personal data, including behavioural, biometric, and location-based information. The Rules therefore strengthen baseline privacy protection by requiring greater transparency, security, and accountability in digital personal data processing.

However, the Rules do not fully resolve the AI-specific privacy concerns identified in this paper. They regulate personal data processing generally, but do not create detailed safeguards for algorithmic profiling, facial recognition, biometric

identification, predictive analytics, or automated decision-making. Nor do they expressly require AI-specific impact assessments, explainability standards, or prior rights-based scrutiny before deployment of high-risk AI systems. Consequently, although the DPDP Act, 2023 read with the DPDP Rules, 2025 strengthens India's privacy enforcement architecture, concerns remain regarding State exemptions, biometric surveillance, profiling, and the absence of comprehensive AI-specific statutory safeguards.

From a human rights perspective, AI systems must adhere to key privacy principles, including:

1. Data minimisation
2. Purpose limitation
3. Informed consent
4. Security safeguards

The challenge lies in balancing the benefits of AI-driven innovation with the need to protect individual privacy and prevent surveillance overreach. AI-driven data processing raises serious privacy concerns under Article 17 of the ICCPR. Mass surveillance and biometric technologies challenge principles of necessity and proportionality, requiring stricter legal oversight.

B. Equality and non-discrimination

Equality is a foundational principle of the Indian Constitution, enshrined under Article 14, which guarantees equality before the law and equal protection of the laws. The deployment of Artificial Intelligence in governance and decision-making poses significant challenges to this principle, particularly through the phenomenon of algorithmic bias.

AI systems are trained on historical datasets, which often reflect existing social inequalities such as caste, gender, religion, and economic disparities. When such biased data is used, the AI system may produce discriminatory outcomes. For instance, predictive policing tools may disproportionately target certain communities based on historical crime data, thereby reinforcing systemic discrimination. Similarly,

automated decision-making in welfare distribution may exclude eligible beneficiaries due to flawed or incomplete data.

The lack of transparency in AI systems further exacerbates this issue. Since many AI models operate as “black boxes,” it becomes difficult to identify and challenge discriminatory outcomes. This undermines the principle of substantive equality, which requires not only formal equality but also fairness in outcomes.

From a human rights perspective, non-discrimination is a core principle recognised under international instruments such as the Universal Declaration of Human Rights. Therefore, the use of AI must be carefully regulated to ensure that it does not perpetuate or amplify existing inequalities. Measures such as bias audits, diverse data sets, and algorithmic accountability are essential to uphold equality in the age of AI.

Algorithmic bias undermines equality before the law. Legal frameworks must mandate bias audits and impact assessments to prevent discriminatory outcomes (Barocas & Selbst, 2016).

C. Freedom of Expression

Freedom of expression, guaranteed under Article 19(1)(a) of the Constitution of India, is essential for a democratic society. AI technologies, particularly those used in surveillance, content moderation, and information control, have a profound impact on this freedom.

AI-powered surveillance systems, including facial recognition technology, enable large-scale monitoring of individuals. This can create a chilling effect, where individuals refrain from expressing their opinions due to fear of being monitored or targeted. Such surveillance, if not backed by clear legal safeguards, may violate the principles of necessity and proportionality required under constitutional law.

Additionally, AI is widely used by digital platforms to moderate online content. While content moderation is necessary to prevent harmful speech, automated systems may arbitrarily remove or suppress lawful expression. These systems often lack contextual understanding, leading to over-censorship or selective enforcement. This raises concerns about transparency and fairness in the regulation of speech.

The role of AI in spreading misinformation and deepfakes also poses challenges to freedom of expression and democratic discourse. While AI can enhance access to information, it can also be misused to manipulate public opinion.

Thus, the regulation of AI must strike a balance between protecting free speech and preventing harm. Clear legal frameworks, transparency in content moderation, and human oversight are necessary to ensure that AI does not undermine democratic freedoms.

Automated content moderation systems risk over-censorship, threatening freedom of expression. Procedural safeguards and human oversight are essential to ensure fairness.

D. Accountability

Accountability is a fundamental principle of both constitutional governance and human rights protection. The deployment of AI systems poses significant challenges to traditional notions of accountability, particularly due to the complexity and opacity of algorithmic decision-making.

One of the primary issues is the “black box” nature of many AI systems, where decision-making processes are not easily explainable even to their developers. This lack of transparency makes it difficult to identify responsibility when AI systems cause harm or violate rights. Questions arise as to whether liability should rest with developers, operators, or the State deploying such systems.

In the Indian context, where administrative actions are subject to judicial review, the use of opaque AI systems raises concerns regarding procedural fairness and natural justice. Individuals affected by automated decisions may not have access to reasons or the opportunity to challenge such decisions, thereby undermining due process.

The absence of clear legal frameworks governing AI accountability further complicates the issue. While existing laws may provide general remedies, they are not specifically designed to address the unique challenges posed by AI technologies.

To address these concerns, there is a need for robust accountability mechanisms, including:

1. Mandatory algorithmic transparency and explainability

2. Independent audits and impact assessments
3. Clear allocation of liability
4. Accessible grievance redressal mechanisms

Ensuring accountability is essential to maintain public trust and uphold the rule of law in the age of AI. The absence of clear liability for algorithmic decisions creates accountability gaps. Legal reforms should impose transparency obligations and recognize algorithmic harms as justiciable claims.

E. Conclusion of Thematic Analysis

The interaction between AI and human rights reveals complex challenges that require careful legal and policy responses. Issues relating to equality, freedom of expression, accountability, and privacy are deeply interconnected and must be addressed through a holistic, rights-based approach. In the Indian context, constitutional principles provide a strong foundation for regulating AI, but there is an urgent need to develop specific frameworks that ensure transparency, fairness, and accountability. Only by embedding human rights at the core of AI governance can technological progress be aligned with democratic values and the rule of law.

VI. CONSTITUTIONAL ANALYSIS OF AI AND FUNDAMENTAL RIGHTS

A. Article 14: Equality and non-arbitrariness

Article 14 guarantees equality before law and prohibits arbitrary State action. The Supreme Court has consistently held that arbitrariness is antithetical to equality (*E.P. Royappa v. State of Tamil Nadu*, 1974). AI systems that rely on opaque algorithms may produce discriminatory outcomes without intelligible classification or rational nexus. Predictive policing tools, for instance, may disproportionately target certain communities based on historical crime data, reinforcing systemic bias. Such outcomes violate Article 14 by enabling arbitrary and unequal treatment. The absence of algorithmic transparency further prevents individuals from challenging discriminatory decisions.

B. AI, Surveillance and Freedom of Expression under Article 19

The right to freedom of speech and expression under Article 19(1)(a) of the Constitution of India is a foundational pillar of democratic governance. While restrictions are permissible under Article 19(2), they must satisfy the requirements of legality, necessity, and proportionality. In the context of Artificial Intelligence (AI), the increasing deployment of surveillance technologies by the State raises significant concerns regarding the chilling effect on free expression.

A key example is the use of facial recognition technology (FRT) by the Delhi Police, particularly during public protests and large gatherings. Reports indicate that such systems have been used to identify individuals without a clear statutory framework governing their deployment. The absence of transparency and oversight raises serious constitutional concerns, as individuals may refrain from participating in protests or expressing dissent due to fear of being identified and monitored.

Similarly, the NATGRID (National Intelligence Grid) represents a large-scale data integration initiative that enables real-time access to multiple databases for security agencies. While aimed at enhancing national security, the integration of AI-driven analytics within such systems raises concerns about mass surveillance and profiling. The lack of publicly available safeguards and independent oversight mechanisms makes it difficult to assess whether such surveillance meets the standards of necessity and proportionality under Article 19(2).

Further, regulatory developments relating to AI-generated and synthetic online content fall more appropriately within the framework administered by the Ministry of Electronics and Information Technology under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, rather than within the mandate of the Telecom Regulatory Authority of India. MeitY's proposed amendments on synthetically generated information seek to impose obligations relating to labelling, visibility, metadata or identifier-based traceability, and intermediary due diligence for AI-generated content. While such measures may be justified on grounds such as public order, prevention of misinformation, and protection against deepfakes, they also raise concerns regarding overbreadth,

automated verification, compelled labelling, and the risk of excessive content moderation if not narrowly tailored.

Automated systems used for detection, labelling, or takedown of synthetic content may lack contextual sensitivity and may therefore lead to arbitrary restrictions on legitimate speech. Accordingly, AI-related content regulation must remain consistent with Article 19(1)(a), satisfy the permissible restrictions under Article 19(2), and include procedural safeguards such as transparency, human review, reasoned takedown processes, and accessible grievance redressal.”

The Supreme Court’s judgment in *Shreya Singhal v. Union of India* (2015) emphasised that vague and overbroad restrictions on speech are unconstitutional. However, the application of this principle to AI-driven regulation requires a more nuanced approach. Unlike traditional censorship, AI-enabled surveillance operates continuously and invisibly, thereby exerting a pervasive chilling effect on expression. The threat is not merely of direct restriction but of self-censorship induced by constant monitoring.

Therefore, the deployment of AI in surveillance and content regulation must be strictly scrutinised to ensure compliance with constitutional standards. Any restriction on freedom of expression must be backed by clear legal authority, pursue a legitimate aim, and be proportionate in its application. Additionally, safeguards such as transparency, accountability, and independent oversight are essential to prevent misuse.

In conclusion, while AI technologies offer significant benefits in governance and security, their unregulated use poses a serious threat to the freedom of expression. A rights-based approach, grounded in constitutional principles and informed by real-world practices, is essential to ensure that technological advancement does not undermine democratic freedoms.

AI-enabled surveillance technologies directly impact freedoms under Article 19, including freedom of speech, expression, movement, and association. The chilling effect of constant surveillance discourages lawful dissent and public participation.

C. Article 21: Privacy, Dignity, and Due Process

Article 21 has been expansively interpreted to include the right to privacy, dignity, and procedural fairness. In *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017), the Court recognised privacy as intrinsic to life and liberty.

AI systems involving biometric identification and mass data processing directly implicate privacy rights. The proportionality test laid down in *Puttaswamy* legality, legitimate aim, necessity, and proportionality must guide AI deployment. Automated decision-making without human oversight may also violate principles of natural justice, as affirmed in *Maneka Gandhi v. Union of India* (1978).

VII. SUGGESTIONS AND RECOMMENDATIONS

1. Enact a comprehensive AI regulation grounded in constitutional principles.
2. Mandate algorithmic transparency and impact assessments for State-deployed AI.
3. Ensure human oversight in all AI-based decision-making affecting rights.
4. Strengthen judicial review of automated systems.
5. Align AI governance with the proportionality doctrine laid down in *Puttaswamy*.

VIII. CONCLUSION

Artificial Intelligence (AI) presents both significant opportunities and serious challenges for constitutional governance in India. While it has the potential to enhance administrative efficiency, governance, and social welfare, its unchecked deployment risks undermining fundamental rights guaranteed under Articles 14, 19, and 21 of the Constitution. This paper concludes that although human rights law remains relevant, existing legal and policy frameworks are presently insufficient to address the unique and evolving risks posed by AI technologies.

There is therefore an urgent need for these frameworks to evolve by incorporating enforceable transparency standards, mandating algorithmic impact assessments, and establishing independent oversight bodies to ensure accountability. Furthermore, given the global nature of AI development and deployment, international cooperation

is essential to develop harmonised legal norms that ensure AI operates in a manner that upholds human dignity rather than eroding it.

A human rights centric approach is essential to ensure that AI serves democratic governance rather than undermining constitutional values.

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