

AI, Law, and Human Rights in India: Navigating the Legal and Ethical Frontier

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ABSTRACT

Artificial Intelligence (AI) has made a profound impact on different sectors, such as law and human rights. While there are potential opportunities for better legal frameworks, judicial effectiveness, and governance through AI, there exist challenges in terms of privacy, bias, accountability, and basic rights. This paper analyzes the impact of AI on law and human rights in India based on suitable case examples and the judiciary's response to the same.

Keywords: Artificial Justice (AI), Human Rights, Legal System, Justice.

INTRODUCTION

AI's introduction into the judicial and legal infrastructure in India has transformed case handling, predictive processing, and research (Ahmad, 2024). With this, privacy, surveillance, and ethical dilemmas are posed (Abrusci and Mackenzie-Gray, 2023). In this paper, the effect of AI on human rights and legal infrastructure is discussed based on case studies.

1.1 Predictive Justice and Case Management

Artificial intelligence-based tools such as the Supreme Court's SUPACE (Supreme Court Portal for Assistance in Court Efficiency) aid judges in legal analysis and research. Introduced in April 2021, SUPACE aims to aid judges by optimizing legal research, categorizing case data, and condensing critical facts and legal issues. The main goal of SUPACE is to minimize the time spent on routine and administrative tasks so that judges can concentrate more on intricate legal reasoning and decision-making. It employs technologies such as machine learning and natural language processing to process large amounts of data, find relevant precedents, and provide insights in a compact format.

One of the unique aspects of SUPACE is that it can produce case summaries and make customized recommendations following current laws and past court decisions. SUPACE also improves search functions in legal databases, enabling judges to readily locate relevant information. Although SUPACE is a very useful tool to enhance productivity, it should be understood that it does not decide but assists judges in decision-making. The final decision will lie solely in the discretion of the judge.

Originally developed for processing non-adversarial cases like bail or compensation cases, SUPACE is being rolled out in phases, beginning with a few courts. Its creation is one part of an overall effort to modernize India's judicial system, as other initiatives like the e-Courts Project and the National Judicial Data Grid. Overall, SUPACE is a major step towards using technology to make the administration of justice more timely, transparent, and efficient in India.

Although this has enhanced judicial effectiveness, there has been concern over whether AI-based insights might unwittingly impact judicial discretion, influencing the impartiality of judgments (Bar & Bench, 2021).

1.2. AI in Legal Research and Documentation

Indian law firms are increasingly adopting cutting-edge legal technology tools like Kira Systems and ROSS Intelligence in their practice to improve efficiency, accuracy, and productivity. Kira Systems is an AI-based exploration system that helps lawyers find and mine key clauses, requirements, and data points from a variety of legal documents.

It plays a crucial role in areas like mergers and acquisitions, due diligence, and regulatory compliance, where a mountain of contracts needs to be reviewed under tight deadlines. By automating the document review process,

Kira significantly reduces the amount of manual work and the risk of human error, enabling law firms to deliver faster and more accurate services to their clients.

Likewise, ROSS Intelligence, initially built on IBM Watson, is a legal research tool based on AI that enables lawyers to execute sophisticated legal queries in natural language. Indian law firms utilize ROSS to carry out extensive legal research, identify pertinent case laws, statutes, and legal precedents, and obtain succinct, AI-generated summaries. Not only does this save time, but also the quality of legal analysis and argumentation is improved. The implementation of these tools is part of a larger movement in the Indian legal industry toward digitalization. By adopting AI, law firms achieve a competitive advantage through enhanced workflow management, cost-effectiveness, and the capacity to provide data-driven legal solutions, thus addressing the changing needs of clients and the legal market.

Although software such as Kira Systems and ROSS Intelligence provides significant advantages in terms of productivity and efficiency, they also pose significant issues in terms of human rights, especially concerning privacy, accountability, and access to justice (Chatterjee and NS, 2022; Cocito et al., 2024). AI application in legal proceedings entails the management of huge volumes of personal and corporate information that, if not well protected, can result in confidentiality violations and information misuse (Ruscheimer and Hondrich, 2024). In addition, the systems are based on algorithms that contain inherent biases depending on the information they have been trained with, which can be discriminatory in outcomes or slanted legal interpretations (Barysè and Sarel, 2024). As decision-making is increasingly driven by black-box AI processes, there is a danger of undermining the transparency and fairness that underpin the justice system. Moreover, increasing dependence on such technologies could exclude legal professionals who do not have access to or training in these technologies, creating new obstacles to equal entry into the legal profession and potentially reinforcing existing disparities in access to legal services. Large Indian law firms, such as Cyril Amarchand Mangaldas, have embraced AI-powered document review platforms to simplify due diligence. Though this has improved efficiency, critics suggest that it may curtail employment for junior associates (Live Law, 2022).

1.3. AI and Human Rights Concerns

Case: Puttaswamy v. Union of India (2017)

The path-breaking judgment in *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017) was a historic milestone in Indian constitutional law by upholding the right to privacy as a fundamental right under Article 21 of the Constitution ensuring the right to life and personal liberty. The case itself unfolded against the background of concerns over the Aadhaar biometric identification scheme and its potential threat to personal privacy. A nine-judge bench of the Supreme Court ruled unanimously that privacy is a part of human dignity and personal autonomy, and therefore forms an essential component of the freedoms guaranteed under Part III of the Constitution.

The decision overruled the prior decisions such as *M.P. Sharma v. Satish Chandra* (1954) and *Kharak Singh v. State of Uttar Pradesh* (1962), where it had been held that the Constitution was not guaranteeing the right of privacy. In its submissions, the Court emphasized that privacy encompasses a wide range of rights, including the right to bodily integrity, life choices, informational privacy, and the right to freedom of thought, conscience, and expression. The Court also appreciated the need for the State to balance individual rights and legitimate interests such as national security and public interest but ruled that any invasion of privacy would have to meet the tests of legality, necessity, and proportionality.

The Puttaswamy judgment has had far-reaching implications across the entire gamut of law and policy in India, most significantly in data protection, surveillance, and digital rights. It laid the grounds for the ongoing development of India's data protection regime and served as a seminal reference in subsequent cases involving issues of personal autonomy and governance by technology.

By upholding privacy as a fundamental right, the Supreme Court fortified the constitutional underpinnings of safeguarding civil liberties in the digital era.

Case: AI and Mass Surveillance in Telangana The Telangana government has introduced AI-powered CCTV surveillance in Hyderabad, which ranks it among the most surveilled cities in the globe. Critics contend that such monitoring endangers privacy and civil liberties, especially where there are no proper regulatory protections in place (The Hindu, 2023).

Case: Facial Recognition and Police Bias

Delhi Police has used face recognition technology (FRT) in handling protests, and uprisings have made heavy disparagement. Civil society, digital rights activists, and lawyers have elevated concerns, affirming that such placement of technology is not transparent, has no omission, and is missing in definite legal frameworks.

Concerns have been raised regarding FRT algorithms and their validity as well as correctness, particularly due to the Indian context where little information is open to the public about how training and testing occur for these systems. International studies have shown facial recognition technology as being incorrect to identify darker complexioned individuals, women, and youth. If such technology is being implemented without correcting such algorithmic flaws, there is indeed a risk of false identification and harassment, which can result in arrest or judicial action on the basis of erroneous data.

Apart from these ethical and technical considerations, the critics argue that the use of FRT without adequate legal safeguards violates constitutional rights such as the right to privacy, upheld in the *Puttaswamy v. Union of India* (2017) judgment. The absence of a specific data protection law or regulating authority for monitoring technologies further multiplies the threat of abuse and misuse. Here, the Delhi Police use of FRT is not only a matter of technology but also a test case of democratic accountability, transparency, and human rights guarantees in an increasingly digital world (Donahoe and Metzger, 2019).

1.4. AI Bias in Banking and Credit Decisions Loan sanction systems based on AI implemented in Indian banks have been proven to discriminate against low socio-economic communities. Historically trained algorithms have resulted in discriminatory credit scoring and restricted access to financial services by marginalized groups (Economic Times, 2022).

1.5 AI in Content Regulation and Free Speech

Social media platforms employ AI content moderation in an effort to moderate hate speech and disinformation. Nevertheless, AI-based moderation has seen content being removed arbitrarily, compromising freedom of speech, as has been the case with journalists' posts being flagged or deleted without adequate reason. This was problematic as it highlighted the role of AI in stifling free speech and political expression (Scroll.in, 2021).

2. LEGAL AND ETHICAL CHALLENGES

India also has a number of legal and ethical issues when it comes to regulating artificial intelligence, especially its integration into governance and legal systems. One of the main problems is the lack of a special AI-specific legal framework, and this leads to huge gaps in accountability, oversight, and governance. This gap in regulation hinders the allocation of responsibility when AI systems harm or generate biased results. Also, the absence of transparency in AI decision-making is a serious concern. The majority of AI algorithms are "black boxes," with minimal or no explanation of how decisions are made, and this undermines transparency and impedes the right of those affected to seek redress or object to discriminatory decisions. Furthermore, the ethical design of AI remains a priority concern. Without standardized ethical norms, there is no assurance that AI systems are designed and utilized in accordance with constitutional values such as equality, justice, and dignity. These concerns highlight the imperative necessity for India to establish a strong regulatory framework that ensures transparency, accountability, and ethical integrity in AI development and utilization.

3. CONCLUSION AND RECOMMENDATIONS

Although AI possesses revolutionary potential in legal and human rights arenas, uncontrolled usage has the potential to destroy fundamental rights. The delicate balance via inclusive law structures, judicial oversight, and moral AI governance is paramount. Application of Human Rights Impact Assessments (HRIAs) on AI systems utilized in policing and public services must be employed in order to avert such technologies from trampling on people's freedoms or aggravating structural imbalances. Besides, what is also needed is an urgent requirement of algorithmic audits that have the ability to identify and correct caste, gender, and other socio-cultural biases in training datasets, particularly because such biases have the potential to yield discriminatory results when used in key areas like law enforcement, health, and welfare distribution. Experts in law also demand updated liability systems that go beyond traditional tort law for dealing with the advanced harms created by autonomous systems and AI-driven choices, where liability is often diffuse or unclear. This evolving technological landscape underscores the need for an all-encompassing statute that aligns AI innovation with constitutional protection. Without these regulatory safeguards, there is a real risk that algorithmic decision-making can undermine the very principles of equality, justice, and dignity enshrined in the Indian Constitution. India must implement AI

regulations for transparency, accountability, and protection of human rights while using AI for judicial efficiency and legal innovation.

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