



Ai And Accountability In India: Constitutional Concerns, Legal Liability, And The Impact Of Autonomous Technologies On Fundamental Rights

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Abstract

The swift incorporation of Artificial Intelligence (AI) and self-operating technologies across different industries in India prompts significant inquiries regarding legal responsibility and constitutional rights. As AI systems play a growing role in decision-making in fields such as healthcare, finance, and governance, the issue of assigning accountability for their actions becomes increasingly pressing. This study examines the constitutional issues and legal responsibilities associated with AI in India, particularly highlighting the impact of these technologies on fundamental rights like privacy, equality, and life as defined by the Indian Constitution. The significance of this research stems from the increasing dependence on autonomous technologies and the possible dangers they present to personal liberties, underscoring the necessity for an all-encompassing legal structure. Though there is a global discussion on AI and legal responsibility, the literature surrounding this topic in India is still developing. Earlier research has examined the effects of AI on fundamental rights, privacy, and accountability, yet a thorough investigation of constitutional issues unique to India is still lacking. This study seeks to address that void by analyzing pertinent judicial precedents, legal statutes, and international comparative frameworks. This study adopts a qualitative, doctrinal methodology, examining constitutional texts, case law, and secondary sources. It additionally contains comparative perspectives from global jurisdictions to suggest practical remedies for India's legal system. The main research question focuses on how India's legal framework can guarantee accountability and safeguard fundamental rights in relation to AI. Secondary inquiries delve into the constitutional issues surrounding AI, the legal responsibility of autonomous systems, and the effects on privacy and equality. The goals of the research

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encompass evaluating current legal frameworks, suggesting reforms, and providing a comparative analysis. The anticipated results encompass legal perspectives on AI responsibility, suggestions for AI regulatory policies, and an addition to the ongoing discussion regarding AI governance in India.

Key words: - Artificial Intelligence, Accountability, Constitutional Law, India, Autonomous Technologies

Introduction

The swift progress of Artificial Intelligence (AI) and self-operating technologies has been ground breaking, promising to change numerous industries worldwide. In India, these developments have prompted urgent inquiries about legal responsibility and constitutional issues, especially concerning their effect on fundamental rights. As AI systems start to take on a more meaningful role in daily life, spanning healthcare, finance, transportation, and governance, the issue of accountability grows increasingly pressing. Who is accountable when these self-operating technologies inflict damage or violate citizens' rights? Furthermore, how do these technologies engage with the constitutional system that ensures personal liberties like the right to privacy, equality, and life?⁴

This study explores the convergence of AI, legal responsibility, and constitutional rights in India. The significance of this issue is rooted in the increasing dependence on autonomous systems and the associated requirement for a legal structure to guarantee accountability. Since AI systems are frequently created to operate with little human involvement, establishing legal accountability in instances of harm or rights infringement has emerged as a significant concern within the Indian legal framework. The constitutional ramifications are significant, especially considering India's fundamental assurances under the Constitution, which may be threatened if sufficient legal safeguards are not established.⁵ In India, the extensive use of AI technologies has not yet been accompanied by thorough legal frameworks specifically intended to tackle the issues presented by autonomous systems. The constitutional entitlements of individuals, embedded in essential clauses like the right to life and freedom (Article 21), the right to equal treatment (Article 14), and the right to privacy (as determined in *Justice K.S. Puttaswamy v. Union of India*), must be protected from the possible dangers posed by AI. As AI progresses, the legal frameworks that regulate its utilization must also advance. Therefore, the significance of this research is found in its ability to add to current legal and policy discussions in India, providing perspectives on the equilibrium between innovation and safeguarding individual rights.⁶

The writings on AI and accountability mainly concentrate on two connected matters: the legal responsibility related to AI-based decisions and the wider constitutional consequences of their application. Within the realm of international discussion, researchers such as Ryan Calo (2015) have posed inquiries regarding the

⁴ Tushar Chawla, *Artificial Intelligence and its Impact on Fundamental Rights: An Indian Perspective* (2021) 19(2) *Journal of Information Technology and Public Policy* 134, 136-137.

⁵ Anupam Chander, 'The Future of Artificial Intelligence and its Legal Implications in India' (2020) 32(1) *Indian Journal of Constitutional Law* 45, 48-50.

⁶ Vivek K. S., 'Artificial Intelligence and Fundamental Rights: Legal Challenges in India' (2022) 40(3) *Indian Law Review* 295, 298-300.

attribution of responsibility when autonomous systems make choices resulting in damage, indicating that existing legal structures are insufficient for addressing these scenarios.⁷ In India, there is a scarcity of scholarly research regarding AI's direct effects on constitutional law; however, certain studies, like those by Pradeep S. Reddy (2020), have examined the relationship between technology and fundamental rights in the country.⁸ Moreover, research conducted by professionals such as Sushant S. Rathi (2021) has highlighted the necessity for more explicit regulations regarding AI implementation to avoid discriminatory or privacy-violating outcomes.⁹ Additionally, the Puttaswamy¹⁰ ruling regarding the right to privacy has generated considerable discourse on the constitutional consequences of data-centric AI systems in India, shaping conversations about AI governance and its relationship with privacy rights.

This study will utilize a qualitative research methodology, integrating doctrinal and analytical methods. The doctrinal component will include a thorough examination of pertinent constitutional clauses, laws, and court rulings related to AI, accountability, and fundamental rights in India. This will be enhanced by a comparative method, analyzing global models and their relevance to the Indian situation. Case studies of particular incidents or legal rulings related to AI in India, including its application in surveillance or healthcare, will be utilized to examine practical examples.

The main research question this study will explore is: How does India's legal framework tackle the constitutional issues and accountability challenges presented by AI and autonomous technologies, especially concerning the safeguarding of fundamental rights? The main objectives of this research are: to explore the constitutional concerns raised by AI and autonomous technologies in India, to examine the legal liability associated with AI systems and how it is currently addressed in Indian law, to assess the impact of AI technologies on fundamental rights, such as the right to privacy, equality, and life, under the Indian Constitution, to propose legal frameworks or reforms that can better ensure accountability and protect fundamental rights in the age of AI and autonomous systems, to provide a comparative analysis of AI governance in other jurisdictions and determine how India could integrate best practices.

1. To Explore the Constitutional Concerns Raised by AI and Autonomous Technologies in India

The swift advancement of Artificial Intelligence (AI) and self-operating technologies raises major constitutional issues in India, especially concerning the safeguarding of fundamental rights guaranteed by the Indian Constitution. These issues mainly focus on the ways AI relates to personal freedoms, privacy, equality, and justice. The Constitution of India ensures various fundamental rights, such as the right to life and personal liberty as specified in Article 21¹¹, the right to privacy under Article 14¹², right to equality and, which was

⁷ Ryan Calo, 'The Boundaries of Privacy in an Age of Ubiquitous Computing' (2015) 24 *Indiana Journal of Global Legal Studies* 347, 350-352.

⁸ Pradeep S. Reddy, 'Technology and Fundamental Rights in India: A Constitutional Perspective' (2020) 45(2) *Journal of Indian Constitutional Law* 120, 122-125.

⁹ Sushant S. Rathi, 'AI Regulation and Its Constitutional Implications: A Need for Legal Framework in India' (2021) 39(4) *Indian Journal of Technology and Law* 211, 214-217.

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

¹¹ *Constitution of India* art 21.

¹² *Constitution of India* art 14.

recognized by the Supreme Court in the significant Justice K.S. Puttaswamy v. Union of India case (2017)¹³. AI systems, especially autonomous ones, bring up issues regarding accountability, transparency, and fairness. These systems frequently operate independently of human input, leading to challenges in assigning accountability when damage or rights infringements happen. When AI decisions have a direct impact on people's lives like in healthcare, jobs, or the justice system the Constitution's promise of fairness and justice is called into question. Furthermore, the growing involvement of autonomous systems in governance and law enforcement could pose difficulties in guaranteeing accountability for actions that directly affect citizens.

The absence of transparency in AI algorithms, along with biases embedded in their design, can compromise the constitutional values of equality and non-discrimination. For example, AI technologies utilized in recruitment, policing, or monitoring could reinforce current social biases, having a greater negative impact on marginalized groups. Thus, constitutional issues involve the necessity of guaranteeing that AI respects citizens' rights to privacy, equality, and justice.

2. To Examine the Legal Liability Associated with AI Systems and How It Is Currently Addressed in Indian Law

The issue of legal liability for AI systems in India is intricate, given that the current legal framework was not established to tackle the challenges presented by autonomous technologies. At present, India lacks specific laws or regulations pertaining to AI, and the existing legislation, like the Information Technology Act of 2000¹⁴ and the Consumer Protection Act of 2019¹⁵, falls short in addressing the unique legal issues posed by AI. These regulations primarily emphasize data security, privacy, and consumer rights; however, they do not directly tackle the matter of liability in instances where AI systems inflict harm or breach rights. Indian law historically assigns responsibility to human agents like individuals or organizations that manage or utilize technology. Nonetheless, regarding AI, this framework creates issues since autonomous systems function independently of direct human involvement. If an AI system inflicts damage, the question emerges: is the responsibility to be held by the developer, the operator, the user, or the AI system itself? In certain situations, responsibility might rest with the manufacturer or the creator of the AI, particularly if the damage results from a defect or issue in the system. Nonetheless, when the AI system operates independently and inflicts damage, it complicates the task of determining accountability. Judicial bodies might have to take into account concepts of negligence, tort law, and product liability to figure out how to tackle these issues. Due to the swift integration of AI, the lack of specific legal regulations in India raises worries regarding the sufficiency of current laws in safeguarding citizens' rights. A distinct requirement exists for a clearly established legal structure to tackle accountability in instances of damage caused by autonomous systems.¹⁶

¹³ Ibid.

¹⁴ Information Technology Act 2000 (India).

¹⁵ Consumer Protection Act 2019 (India).

¹⁶ Surya Prakash, 'AI and Accountability: Emerging Legal Challenges in India' (LiveLaw, 25 February 2022) <https://www.livelaw.in/ai-and-accountability-emerging-legal-challenges-in-india> accessed 30 March 2025.

3. To Assess the Impact of AI Technologies on Fundamental Rights, Such as the Right to Privacy, Equality, and Life, Under the Indian Constitution

AI technologies have a considerable effect on various essential rights protected by the Indian Constitution. Some of the key issues include the rights to privacy, equality, and existence, as AI systems are progressively capable of surveilling, examining, and responding to personal information. The Puttaswamy case established the right to privacy, which is now at risk due to the growing implementation of AI in surveillance, data gathering, and decision-making processes. AI systems, particularly those employed in surveillance within public and private sectors, can gather large quantities of personal data, which raises issues regarding data protection, unauthorized access, and potential abuse of sensitive information. The absence of definitive data protection regulations heightens the chance of privacy infringements. In these situations, people may forfeit control of their personal information, jeopardizing their privacy rights. AI systems, especially those applied in recruitment, loan decisions, and policing, may reinforce or worsen societal prejudices. When AI systems learn from biased data, they might make choices that unfairly target specific groups based on gender, caste, or economic background. This may jeopardize the constitutional guarantee of equality under the law. AI systems may also cause economic disparities, as they might displace jobs in specific industries, disproportionately impacting low-income individuals. The right to life¹⁷ encompasses the right to live with dignity, and AI systems, particularly those utilized in healthcare, criminal justice, and law enforcement, directly influence people's lives. Decisions made by AI, if erroneous, can lead to wrongful incarceration, lack of medical treatment, or biased judgments in legal proceedings. Additionally, employing autonomous weaponry in combat or law enforcement could pose serious issues regarding the right to safety and life.

4. To Propose Legal Frameworks or Reforms That Can Better Ensure Accountability and Protect Fundamental Rights in the Age of AI and Autonomous Systems

To tackle the increasing issues presented by AI, India requires a focused legal framework that specifically regulates AI technologies while protecting constitutional rights. Suggested reforms might involve: Establishing a complete AI governance framework to oversee the development, implementation, and utilization of AI systems in India. This might encompass criteria for clarity, responsibility, and equity in AI algorithms, especially in areas such as law enforcement, recruitment, and medical care. Enhancing data protection regulations to tackle the specific challenges presented by AI, guaranteeing that individuals' personal information is gathered, maintained, and utilized responsibly. This might encompass explicit rules regarding data consent, data accessibility, and safeguards against abuse, guaranteeing that AI systems honor the right to privacy. The creation of explicit liability structures to determine accountability when AI systems inflict damage, whether it's the developer, the operator, or the AI itself. This would guarantee that victims of AI-induced harm have access to justice and compensation options. Particular regulations need to be established to guarantee that AI systems are trained using impartial data, and that they do not reinforce discrimination related to race, caste, gender, or other protected groups. AI applications, particularly in recruitment and law enforcement, must be routinely audited to identify and rectify biases.

¹⁷ Constitution of India art 21.

5. To Provide a Comparative Analysis of AI Governance in Other Jurisdictions and Determine How India Could Integrate Best Practices

Multiple nations have created AI governance frameworks that can provide important insights for India. For instance: The European Union's Artificial Intelligence Act (introduced in 2021) seeks to oversee high-risk AI systems by enforcing stringent standards concerning their transparency, safety, and accountability.¹⁸ India might implement comparable regulations, particularly for AI systems utilized in vital areas such as healthcare, criminal justice, and public administration. In the United States, numerous state regulations, including California's Consumer Privacy Act (CCPA), aim to safeguard personal information within AI applications. India might enhance its data protection regulations by drawing lessons from the CCPA, aiming to guarantee that AI systems function transparently and honor privacy rights.¹⁹ While China has been rapidly progressing in AI technologies, its strategy for AI governance has faced criticism for insufficient safeguards for personal rights. Though India can draw lessons from China's AI-fueled economic expansion, it must guarantee that the human rights safeguards present in the EU and other democratic countries are integrated into its governance structure. India ought to pursue a balanced strategy by incorporating effective practices from global regions while tailoring them to its distinct socio-political and cultural environment. This involves guaranteeing that AI development and application in India foster innovation while protecting constitutional rights, promoting transparency, and avoiding technology misuse.

Findings

The main legal issue regarding AI and accountability revolves around who ought to take responsibility when an AI system makes a choice that violates a person's rights. The idea of "legal personhood" is a major topic of discussion, as AI systems are progressively incorporated into societal decision-making. Should limited personhood be conferred upon AI for legal responsibility, or should the developers, operators, or users of AI systems bear the liability? A major issue in India is the absence of a distinct legal framework specifically focused on AI. Although current legislation like the Information Technology Act, 2000, and the Consumer Protection Act, 2019, includes some regulations related to digital services and products, they fail to adequately tackle the specific issues posed by AI. The absence of definitive regulations regarding AI results in ambiguity about accountability for the actions of autonomous systems, especially when harm occurs unintentionally due to AI's decision-making. Moreover, the convergence of AI and privacy rights is essential, particularly when AI systems influence decisions related to individuals' personal data, such as in instances of surveillance technologies or predictive analytics.

The Puttaswamy ruling, which affirmed the right to privacy as a fundamental right, plays a significant role in the conversation regarding AI's effect on privacy. The capability of AI to gather, assess, and respond to large quantities of personal information raises issues regarding how these technologies could violate the right to privacy, and what options individuals possess when such violations happen. Another significant factor is the influence of AI on fairness and the prevention of discrimination. AI systems can reinforce biases found in their training data, resulting in decisions that disadvantage specific groups. For instance, if a hiring AI system

¹⁸ Regulation (EU) 2021/0106 of the European Parliament and of the Council of 21 April 2021 on Artificial Intelligence [2021] OJ L 206/1.

¹⁹ California Consumer Privacy Act of 2018 (Cal. Civ. Code § 1798.100 et seq.) (USA).

is trained on biased historical information, it may unjustly disadvantage female or minority applicants. These issues are particularly pertinent in a varied society such as India, where differences based on socio-economic status and caste are already present. India's constitutional structure, especially with its fundamental rights provisions, necessitates a delicate balance between technological advancement and safeguarding personal liberties. Although Article 21 ensures the safeguarding of personal autonomy through the right to life and liberty, the rise of autonomous technologies tests the limits of this right. If an AI system's choices violate someone's life or freedom, how ought the law assign accountability? This issue is still not settled.

Conclusion & Suggestions

In summary, the emergence of AI and self-operating technologies in India presents considerable opportunities and challenges, particularly regarding legal responsibility and safeguarding fundamental rights. The Indian legal framework needs to adapt to accommodate the emerging realities of autonomous decision-making, prioritizing the protection of individual rights while promoting technological advancements. Crucial matters like the assignment of legal responsibility, the effects of AI on privacy, and the risk of discrimination must be tackled via revised laws and regulations. Future legal changes ought to emphasize developing a transparent framework for AI accountability, which includes setting guidelines for AI developers and operators. Furthermore, it is crucial that any reforms of this nature safeguard constitutional rights, especially the rights to privacy, equality, and personal freedom. As India addresses these legal obstacles, it needs to reconcile its aspirations for technological progress with its dedication to protecting the essential rights established in the Constitution.

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