

Artificial Intelligence (AI) Strategy and Constitutional Values in India: A Policy Alignment Review

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Abstract

Artificial Intelligence (AI) sparked the global concerned for the scientific and technological expansion. Aligned with the spirit of this progress, the word “Scientific temperament” under Indian Constitution got a new scope in the field of interpretation of Constitutional values in our nation. India’s Constitutional commitment to its basic principles viz: equality, justice and freedom etc aerated numerous new challenges for us as a member of a welfare state. While AI promises efficiency and innovation, it also risks deepening existing ethical architype. The constitutional values enshrined in the Preamble—justice, liberty, equality, and fraternity—must serve as the ethical compass. guiding this transformation in the era of Artificial Intelligence. The Journey towards the formulation of digital principles for Digital India may be examined through the path of Directive Principles, Fundamental Duty and other Constitutional Safeguards.

In India, AI is increasingly being deployed across sectors like healthcare, law enforcement, education, and governance etc. However, this rapid integration brings with it a host of legal challenges. Use of AI in public spaces without consent or oversight invites the risks of mass profiling and chilling effects on free expression.

The researchers evaluate India's approach to artificial intelligence by analyzsing it against constitutional safeguards, exploring how constitutional values can guide AI governance without sacrificing ideals of democracy in India. It examines how data protection laws, accountability measures, and regulatory authorities can help to preserve civil liberties. The paper makes the case that embedding these constitutional values is necessary for public trust

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and policy legitimacy. Consequently, it promotes a rights-based approach to AI that prioritizes transparency, consent, and proportionality, while also navigating the conflicts between individual freedom and national security. The author will try to evaluate the AI persona paradox.

Keywords: *Artificial Intelligence, Privacy rights, surveillance, data protection, liberty, constitutional safeguards, Constitutional morality, AI governance, civil liberties, algorithmic accountability, democratic values, Persona Paradox.*

I. Introduction

The Constitutional value under the constitutional legal framework, through its different provisions, sought to accommodate digitalisation and cutting-edge technology, which can intersect smoothly when the provisions are executed in the field of Science and Technology. For Example, by using Artificial Intelligence in the Constitutional Domain, one may facilitate the implementation of the Different Constitutional values for enhancing the Pace (speed) of modernisation, globalisation, and digitalisation, but with this, one may identify and understand the new and complicated issues related to challenges brought by AI through which the spirit of the related Constitutional provisions might not be preserved.

At present, India is trying to bring a new era, though the constitution of India, by either strictly following the provisions or through the various amendments in the said provisions to accommodate the concept of sustainable development in the context of science and Technology. As a fundamental ground norm, keeping in mind the very soul of our democracy as well as the densities on the sleep on edge. The Constitution of India has proved itself as a Foundational grand norm has proved itself as foundational grand norm.

In this transformative moment, the values etched into our Preamble—Justice, Liberty, Equality, and Fraternity—must be more than just ink on parchment; they must become the living ethical compass that guides every algorithm and every line of code. We are called to look at India's technological strategy not merely through the cold lens of policy, but through a human-centric framework that honors individual dignity. This approach demands that we prioritize the

sacredness of consent, the clarity of transparency, and the balance of proportionality.

Our "future obligation" as a nation is to ensure that as we embrace the digital age, we do not lose the essence of our humanity. As AI finds its way into our schools, hospitals, and public squares, we must be vigilant against the shadows it can cast. Without the light of oversight, these tools risk becoming instruments of mass profiling, creating a "chilling effect" where the vibrant heartbeat of free expression is silenced by the cold predictability of a machine. To build a truly inclusive Digital India, our progress must always be measured by how well it protects the rights and the dignity of every citizen.

II. Constitutional Values

A. Constitutional Foundations in India for AI Governance

The Indian Constitution provides a robust framework that can be adapted to regulate emerging technologies. Our Constitution is more than a legal document; it is a living shield, designed to evolve alongside our humanity as we navigate the complexities of the digital frontier. It offers us a robust sanctuary where our timeless values can protect us from the unforeseen consequences of emerging technologies.

Article 14 (The Promise of Equality): At its heart, Article 14³ is a promise that every individual deserves to be seen with an equal eye. When we allow AI systems to be trained on biased or narrow data, we risk turning that eye into a cold, discriminatory gaze that institutionalizes prejudice rather than progress.

Article 19 (The Breath of Expression)⁴: Our public squares are meant to be vibrant spaces for the human spirit to speak, dream, and debate. When AI is deployed in these spaces without the warmth of human oversight, it creates a "chilling effect"—a quiet, invisible pressure that makes us hesitate to express our true selves, effectively stifling the very breath of our freedom.

Article 21 (The Sanctity of Privacy and Life)⁵: In the landmark Justice K.S. Puttaswamy case⁶, our Supreme Court reminded us that privacy is not a luxury,

³ INDIA CONST. art. 14.

⁴ INDIA CONST. art. 19.

⁵ INDIA CONST. art. 21.

but a fundamental heartbeat of our dignity. AI-enabled surveillance, if left unchecked, threatens to pierce the veil of our private lives, turning our personal journeys into data points and endangering the individual freedom that gives life its meaning.

III. Directive Principles and Digital Obligations in Indian Context

In our collective journey toward the realization of a "Digital India," we must remember that the path we tread is not merely paved with silicon and code, but with the profound ethical mandates of our Directive Principles. These principles serve as a gentle but persistent reminder that the state bears a sacred, positive obligation to ensure that every technological stride we take is a step toward greater social justice. In this vision, innovation is not an end in itself, but a compassionate tool meant to bridge our divides, heal our inequities, and uplift every citizen, ensuring that progress never leaves the vulnerable behind.

To ground this humanistic vision in our constitutional soil, the following Directive Principles of State Policy (DPSP) offer the essential legal and moral framework for our digital obligations:

Article 38 (Promoting a Just Social Order)⁷: This article mandates that the state strive to promote the welfare of the people by securing a social order where justice—social, economic, and political—informs all institutions of national life. In the digital age, this means ensuring that AI and data systems are designed to foster equity rather than concentrate power or wealth.

Article 39 (Principles of Policy for Equality)⁸: Specifically, **Article 39(b)** and **(c)** require the state to direct its policy toward ensuring that the ownership and control of material resources are distributed to best subserve the common good, and that the operation of the economic system does not result in the concentration of wealth. As data becomes the "new oil," these provisions obligate the state to prevent "digital monopolies" and ensure that the benefits of AI are shared by all.

⁶ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

⁷ INDIA CONST. art. 38.

⁸ INDIA CONST. art. 39.

Article 39A (Equal Justice and Free Legal Aid)⁹: The state is tasked with ensuring that the legal system promotes justice on a basis of equal opportunity. This provides the constitutional mandate for AI tools like **SUVAS** and **SUPACE**, which democratize legal information and help clear judicial backlogs for those who have waited the longest for justice.

Article 41 (Right to Public Assistance)¹⁰: This article directs the state to provide public assistance in cases of unemployment, old age, sickness, and disablement. When we deploy AI in welfare distribution, Article 41 reminds us that these systems must be compassionate and inclusive, ensuring that no one is denied their basic rights due to an algorithmic error or "technological objectivity".

Article 46 (Protection of Marginalized Interests)¹¹: The state is obligated to promote with special care the educational and economic interests of the weaker sections of the people. This highlights our duty to ensure that AI does not become a tool for "digital casteism" or exclusion, but rather a bridge to opportunity for the historically disadvantaged.

IV. Fundamental Duties: The Civic Responsibility in the Digital Age

While Fundamental Rights protect the individual, the Fundamental Duties provide a framework for the responsible conduct of developers, users, and data fiduciaries.

Beyond the protections of our rights, the Constitution of India invites us into a shared commitment through our Fundamental Duties. These are not merely legal obligations but a moral compass for our conduct as developers, users, and guardians of data in this new digital dawn. They remind us that while technology is driven by code, its purpose must always be rooted in the service of our collective humanity.

Cultivating a Spirit of Reason (Article 51A(h))¹²: We are called to nurture a "scientific temper" and a "spirit of inquiry and reform". In our world of algorithms, this duty translates into a commitment to use AI as a bridge for

⁹ INDIA CONST. art. 39A.

¹⁰ INDIA CONST. art. 41.

¹¹ INDIA CONST. art. 46.

¹² INDIA CONST. art. 51A, cl. (h).

rational truth and progress. It is a plea to ensure our innovations do not become vessels for misinformation or tools that deepen the prejudices that keep us apart.

Protecting our Digital Commons (Article 51A(i))¹³: As data evolves into a vital public asset—our shared "digital property"—we have a sacred duty to protect the integrity of our digital infrastructure. This is a call to ensure that AI is never weaponized to incite unrest or fracture the peace of our society, but is instead used to safeguard the stability of our common home.

The Pursuit of Ethical Excellence (Article 51A(j))¹⁴: We are encouraged to strive for excellence in everything we create together. For those building the AI of tomorrow, this means an ethical promise to craft systems that are not just technically robust and accurate, but are fundamentally high-quality in their contribution to our nation's journey, always honoring the inherent dignity of every human life.

A Weaver of Harmony and Fraternity (Article 51A(e))¹⁵: At the heart of our democracy is the duty to promote harmony and a spirit of universal brotherhood that transcends our differences. AI governance, therefore, must be an act of building fraternity, ensuring that our algorithms never amplify the divisions of religion, language, or region, but instead uphold the beautiful diversity that defines us.

V. The AI Persona Paradox-

The right which emerges from one's 'person' or 'self' are known as personality rights which include celebrities' name, vocals, signatures, trademark style and even popular gestures or mannerisms etc. Personality and image rights are not explicitly protected by trademark law in India. The Supreme Court initially defined personality rights with in the context of the right to privacy in *R Raja Gopal v State of Tamil Nadu*, 1995 AIR264(9). But later on the development of AI has raised a lot of controversial questions for which India is not ready to protect the Personality right through right to privacy. These questions are relating

¹³ INDIA CONST. art. 51A, cl. (i).

¹⁴ INDIA CONST. art. 51A, cl. (j).

¹⁵ INDIA CONST. art. 51A, cl. (e).

- I. Deepfakes and voice cloning: Controversial points here are unauthorised commercial exploitations, of images of celebrities,
- II. “Unsavoury” or fake contents created by AI tools,
- III. “Digital Doppelgangers” (ability to clone a person’s voice or appearance for “deadbots” etc) .

The controversy centres on ensuring that AI innovation does not come at the expense of human dignity, reputation, and the economic rights of individuals to control their own identities.

VI. Review of India’s AI Strategy and Policy

In our collective pursuit of technological progress, India has chosen a path defined by a gentle, "minimalist" touch in its governance—a philosophy that prefers the flexibility of shared values and evolving guidelines over the cold finality of rigid laws. This approach is an act of faith in our creative spirit, seeking to nurture innovation without stifling the very spark of invention that can lead us toward a brighter future. Today, this vision is upheld by two essential pillars: the ambitious and forward-looking India AI Mission and the protective, rights-centered framework of the DPDP Act.

A. A Vision for Everyone: NITI Aayog and the India AI Mission

At the heart of our national strategy is a beautiful, democratic ideal—the philosophy of "**#AI for All**". It is a commitment to ensuring that the benefits of this technology are not hoarded by a few, but are shared by every citizen.

- **Focusing on What Matters:** Our strategy is guided by a compassionate focus on the areas where technology can heal and uplift—from providing life-saving diagnostics in healthcare and helping our farmers predict crop yields in agriculture, to enriching education and making our cities and transportation more humane.
- **The India AI Mission (2024):** With a heartfelt commitment of over ₹10,000 crore¹⁶, this mission brings the "**#AI for All**" dream to life. It

¹⁶ PRESS RELEASE, MINISTRY OF ELECTRONICS & IT, CABINET APPROVES COMPREHENSIVE INDIA AI MISSION (Mar. 7, 2024), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2012375> (last visited Jun. 03, 2026).

builds the infrastructure our nation needs—like the India AI Datasets Platform for shared research and a massive compute capacity—to ensure we have the tools to build our own future.

- **Responsible AI Principles -Seven Sutras of Responsibility:** NITI Aayog has offered us seven guiding principles—our "sutras"—to ensure our progress is ethical: safety, inclusivity, equality, privacy, transparency, accountability, and the sacred protection of positive human values.

B. The Digital Personal Data Protection (DPDP) Act: Can it be A Guardian of Privacy?

The DPDP Act of 2023 serves as a watchful guardian over how our personal information is used in the age of machine learning, though it still navigates the complex "grey areas" where technology meets our individual rights.

- **The Consent Paradox:** We face a profound human challenge: while the Act rightfully insists that our consent be free, specific, and fully informed, the mysterious way AI learns often means it finds connections in our data that we never intended or even understood. While the Act mandates free, specific, informed, and unconditional consent, AI models often operate on inferred data or correlations that a user may not have explicitly authorized or even understood at the time of collection.
- **A Fiduciary Trust- Data Fiduciary Obligations:** Those who develop AI are held to a standard of "Data Fiduciaries"—a legal and moral trust that makes them responsible for the accuracy of the data they use and the safety of the digital lives they hold in their hands and to prevent breaches.
- **The Question of Public Spaces:** A significant challenge remains in Section 3(c)(ii)¹⁷, which allows the use of data that is already "publicly available". This exemption reminds us of the delicate balance we must maintain between the vast openness of the digital world and our inherent right to remain the masters of our own stories.

¹⁷ Digital Personal Data Protection Act, No. 22 of 2023, § 3(c)(ii), India Code (2023).

VII. Critical Legal Issues and Regulatory Gaps

In our Nations collective journey toward a digital future, we must confront the reality that while the India AI Mission and the DPDP Act lay a necessary foundation, they struggle to capture the complex, "autonomous" spirit of Artificial Intelligence. Within the Indian legal landscape, this leaves us facing three deep-seated systemic challenges that touch the very core of our shared humanity.

A. The Shadow of Algorithmic Profiling and Discrimination

The Digital Personal Data Protection (DPDP) Act, 2023, remains a statute primarily focused on the mechanics of data governance, staying largely silent on the profound human implications of automated profiling. In a society as beautifully diverse and historically complex as India, this silence is deeply troubling.

- **The Risk of "Digital Casteism":** When AI is fed on the echoes of our past—historical patterns in hiring or credit—it risks breathing new life into old ghosts, reinforcing biases of caste, gender, and religion. A simple algorithm used by a fintech firm might use "geographical location" or "educational background" as a cold proxy for creditworthiness, inadvertently pushing away marginalized communities who have long been denied the same paths to elite institutions or urban centres.
- **Constitutional Incompatibility:** These digital exclusions are fundamentally at odds with our sacred promises of Equality (Article 14)¹⁸ and the Prohibition of Discrimination (Article 15)¹⁹. As our Supreme Court reminded us in *E.P. Royappa v. State of Tamil Nadu*²⁰, "arbitrariness is the very antithesis of equality," giving us a clear moral and legal ground to challenge algorithms that treat individuals as mere data points rather than human beings.
- **Welfare and the Vulnerable:** We have seen the painful consequences of "technological objectivity" in cases where algorithmic failures led to

¹⁸ INDIA CONST. art. 14.

¹⁹ INDIA CONST. art. 15.

²⁰ *E.P. Royappa v. State of Tamil Nadu*, AIR 1974 SC 555.

the cancellation of ration cards, showing us that a line of code can have life-altering stakes for the most vulnerable among us.

VIII. The "Black Box" Problem vs. Algorithmic Due Process

At the center of Indian administrative law is the requirement for "reasoned decisions"—the belief that every action by the state should be explainable and open to the light of review. Yet, the "black box" of complex machine learning threatens to shroud these decisions in shadow.

- **Our Right to an Explanation:** Unlike the EU's GDPR, our current DPDP Act does not explicitly offer a "Right to Explanation". This means a citizen denied a life-changing loan or a government benefit might find themselves with no way to see or challenge the hidden logic that decided their fate.
- **The Need for Algorithmic Due Process:** There is a growing call to recognize that Article 21 ²¹(Right to Life and Liberty) must now encompass "algorithmic due process". This is a plea for fairness—a requirement that any digital path affecting our liberty must remain just, transparent, and guided by a steady human hand.

III. Closing the Responsibility Gap: Accountability and Liability

India currently lacks a dedicated law to define who is responsible when an autonomous system causes real-world harm, creating a profound "responsibility gap". Our traditional laws, built on human intent and the ability to see what is coming, are often ill-equipped to judge a self-learning algorithm.

- **The Multi-Actor Dilemma:** In a world where developers, data providers, and system deployers all play a part, where does the blame rest when something goes wrong?
 - Is it the Developer, for a flaw in the model's very architecture?
 - Is it the Data Provider, for feeding the system a biased or narrow view of the world?
 - Or is it the Deployer, for failing to provide the necessary human oversight?

²¹ INDIA CONST. art. 21.

- **A Path Toward Graded Liability:** To navigate this, the India AI Governance Guidelines (2025/26)²² suggest a "graded liability system". This move seeks to trace responsibility back to a human or a heart, moving away from a rigid approach to one that recognizes the different roles we play in bringing these technologies to life

Global India AI Summit 2024: A Milestone in Policy Alignment

The Global India AI Summit, held in the heart of New Delhi on July 3-4, 2024, was far more than a diplomatic gathering; it was a profound assertion of India's technological identity and its role as a voice for the Global South. By stepping into the role of Lead Chair for the Global Partnership on Artificial Intelligence (GPAI), India shifted the global conversation away from a purely Western perspective, advocating for a future where AI is not just powerful, but inclusive, responsible, and truly democratized.

A. A Vision Born in New Delhi

Under India's leadership, the GPAI moved toward a "middle path"—a balanced approach that celebrates innovation while honoring the need for thoughtful regulation.

- **The New Delhi Ministerial Declaration²³:** This consensus-driven vision recognizes that while AI is a catalyst for economic growth, it must be guarded against the shadows of misinformation and deepfakes that threaten our fundamental human rights.
- **A Seat at the Table:** In a significant diplomatic achievement, India ensured that the GPAI maintained its independent identity even while collaborating with the OECD. This ensures that emerging economies

²² NITI AAYOG, NATIONAL STRATEGY FOR ARTIFICIAL INTELLIGENCE (2018), <https://www.niti.gov.in/sites/default/files/2023-03/National-Strategy-for-Artificial-Intelligence.pdf> (last visited Jun. 03, 2026).

²³ MINISTRY OF ELECTRONICS & INFO. TECH., NEW DELHI MINISTERIAL DECLARATION ON THE GLOBAL PARTNERSHIP ON ARTIFICIAL INTELLIGENCE (2024), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2030635> (last visited Jun. 03, 2026).

stand on an equal footing, ensuring global AI governance is a shared journey, not a closed circle.

B. Building Global Bridges: The GPAI and OECD Partnership²⁴

The summit marked a landmark integration between the GPAI and the OECD, blending diverse stakeholder expertise with institutional strength. This partnership seeks to create global standards for AI that are "human-centric"—ensuring that as technology evolves, it remains a trustworthy companion to human progress rather than a distant, unapproachable force.

C. The India AI Safety Institute²⁵: A Guardian or a Gatekeeper?

One of the most heartening outcomes was the move to establish the India AI Safety Institute (AISI). Rather than acting as a rigid regulator, the AISI is envisioned as a technical guide. Its purpose is to develop frameworks that evaluate safety and mitigate risks like deepfakes and algorithmic bias, ensuring that AI reflects the rich, diverse socio-cultural fabric of India.

IX. Sovereign AI: The Heart of the India AI Mission²⁶

The summit also brought to life the India AI Mission, a bold step toward "technological self-reliance" that ensures India is the master of its own digital destiny.

- **Indigenous Voices:** By developing our own Large Multimodal Models²⁷ (LMMs), we ensure that AI understands our unique languages

²⁴ Global P'ship on Artificial Intelligence [GPAI], *GPAI and OECD Joint Statement on Integrated Partnership*, GPAI.DJI (July 3, 2024), <https://gpai.ai/2024-summit-outcomes> (last visited Jun. 03, 2026).

²⁵ Press Release, Ministry of Electronics & IT, India to Establish AI Safety Institute to Foster Trusted AI (July 4, 2024), (last visited Jun. 03, 2026), <https://pib.gov.in/PressReleasePage.aspx?PRID=2030912>.

²⁶ MINISTRY OF ELECTRONICS & INFO. TECH., CABINET APPROVES COMPREHENSIVE INDIAAI MISSION WITH A BUDGETARY OUTLAY OF RS. 10,372 CRORE (2024), (last visited Jun. 03, 2026), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2012375>.

²⁷ INDIAAI, BHARATGEN: REVOLUTIONIZING BHARAT'S AI ECOSYSTEM (2024), (last visited Jun. 03, 2026), <https://indiaai.gov.in/article/bharatgen-indigenous-foundational-models>.

and cultural nuances, moving away from a reliance on "black-box" models from abroad.

- **Democratizing Power:** By building a massive AI Compute Capacity and making it accessible to startups and researchers, India is lowering the barriers to entry, ensuring that the next great innovation can come from anywhere.
- **Data for the Public (Common) Good:** Through the India AI Datasets Platform, data is treated as a shared national resource—a public good that fuels the training of models designed to serve the many, not just the few.

X. Efforts

A. India AI Impact Summit 2026

Building on the recent developments in the Indian legal and policy landscape, the conclusion of the **India AI Impact Summit 2026** (held from February 16–20 at Bharat Mandapam, New Delhi) marks a defining moment in our digital history. This was not just a conference; it was the first time the Global South took the lead in shaping the global AI conversation, moving from being a consumer of technology to a leader in sovereign governance.

On this milestone, we can look at how the summit sought to ground the complexity of code in the warmth of our constitutional morality:

B. A Shared Promise: The New Delhi Declaration²⁸

The summit's most profound achievement was the Delhi Declaration, a document that has already brought over 80 countries²⁹ together in a shared commitment to a future where AI is inclusive and human-centric.

²⁸ Press Release, Ministry of Electronics & IT, Hon'ble Prime Minister Inaugurates India–AI Impact Summit 2026 (Feb. 16, 2026), <https://pib.gov.in/PressReleasePage.aspx?PRID=2228327> (last visited Jun. 03, 2026).

²⁹ *All Major Countries Signed India AI Impact Summit Declaration; Tally Likely to Cross 80: Vaishnaw*, ECON. TIMES (Feb. 21, 2026), <https://telecom.economictimes.indiatimes.com/news/policy/india-ai-impact-summit-over-250-billion-in-commitments-and-growing-support-from-80-countries/128631193> (last visited Jun. 03, 2026).

- **Investment in People:** The summit secured over **\$250 billion** in investment pledges, not just for chips and wires, but for the infrastructure that empowers people.
- **A Beacon for Safety:** India's move to establish the **AI Safety Institute (AISI)** is a promise to its citizens that as we embrace the new, we will remain vigilant against the shadows of deepfakes and misinformation that threaten our social harmony.

C. The Heart of the Mission: People, Planet, and Progress

While earlier global summits often focused on the distant fears of catastrophe, New Delhi brought the conversation home to our daily lives, focusing on a developmental approach anchored in three "Sutras":

- **Democratizing Innovation:** Through the **#AIforAll** mission, India reasserted that technology must be accessible to everyone—from a farmer in North Bengal to a student in a city—ensuring that the power of AI is not hoarded by a few, but shared by the many.
- **Sovereign Strength:** By showcasing indigenous foundation models and a massive compute capacity of **10,000+ GPUs**, India proved it has the resolve to build a "Sovereign AI" that understands our own languages and cultural nuances.

XI. AI and the Rule of Law: Protecting the Digital Citizen

A significant part of the summit was dedicated to ensuring that as our courts and legal systems evolve, they do so with a human heart.

- **UNESCO's Guidance³⁰:** Through the release of "**AI Essentials for Judges**," in collaboration with UNESCO, the summit highlighted the need to equip our judicial officers with the wisdom to use AI ethically, ensuring it remains an assistant to human judgment rather than a replacement.
- **The Human-in-the-Loop:** High-level dialogues reminded us that in governance, a "**human-centric**" principle is not optional—it is the

³⁰ UNESCO, AI ESSENTIALS FOR JUDGES: AI & THE RULE OF LAW (2026), (last visited Jun. 03, 2026), <https://unesdoc.unesco.org/ark:/48223/pf0000396991>.

only way to protect our fundamental rights and the rule of law in an automated age.

XII. Inclusive Voices: AI by HER and YUVAi

The summit was truly alive with the voices of those often left out of the technological narrative.

- **Empowering Women³¹:** The "AI by HER" challenge celebrated women-led innovations, proving that gender equity is a vital engine for technological progress.
- **The Wisdom of Youth³²:** The YUV Ai Global Youth Challenge engaged our brightest young minds (ages 13–21), reminding us that the future of AI belongs to a generation that values social impact and ethical responsibility as much as technical brilliance.

XIII. A new global Outlook.

The New Delhi summit is a vital link in an evolving international journey:

- **2023:** Bletchley Park (UK) – *The focus on Safety*³³
- **2024:** Seoul (South Korea) – *The focus on Innovation*³⁴
- **2025:** Paris (France) – *The focus on Action*³⁵

³¹ AI by HER: Global Impact Challenge - India AI Impact Summit 2026, INDIAAI, <https://impact.indiaai.gov.in/events/ai-by-her> (last visited Jun. 03, 2026).

³² Press Release, Ministry of Electronics & IT, India AI Impact Summit 2026 Showcases Youth-Led AI Innovation for Public Good (Feb. 17, 2026), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2229392>.

³³ Department for Science, Innovation and Technology, *The Bletchley Declaration by Countries Attending the AI Safety Summit*, GOV.UK (Nov. 2, 2023), (last visited Jun. 03, 2026), <https://www.gov.uk/government/publications/ai-safety-summit-2023-the-bletchley-declaration/the-bletchley-declaration-by-countries-attending-the-ai-safety-summit-1-2-november-2023>.

³⁴ UNDP Seoul Policy Centre, *UNDP convenes 2024 Seoul Debates to explore innovative digital climate solutions to achieve sustainable development*, UNDP (Mar. 14, 2024), <https://www.undp.org/policy-centre/seoul/press-releases/undp-convenes-2024-seoul-debates-explore-innovative-digital-climate-solutions-achieve-sustainable-development> (last visited Jun. 03, 2026).

- **2026:** New Delhi (India) – *The focus on Impact*³⁶
- **2027:** Geneva (Switzerland)³⁷ – *The focus on International Law*³⁸

This summit has shown that for India, AI is not a force to be feared, but a tool to be mastered with Constitutional Morality as our guide. It ensures that our path toward progress remains rooted in socio-economic justice and the dignity of every individual.

XIV. IMPACT ON THE INDIAN LEGAL CONTEXT

In our current legal landscape, the integration of Artificial Intelligence has catalyzed a profound "techno-legal" transition. This shift is not merely a matter of improved administrative speed; it represents a fundamental reconfiguration of how we deliver justice, interpret our laws, and protect individual dignity against the encroachment of algorithms.

A. Structural Transformation of the Judiciary (e-Courts Phase III)³⁹

The most tangible evidence of this change is the transformation of judicial workflows under **Phase III of the e-Courts Project**, backed by

³⁵ *Paris AI Action Summit 2025: All you need to know*, DD News (Feb. 10, 2025), <https://ddnews.gov.in/en/paris-ai-action-summit-2025-all-you-need-to-know/> (last visited Jun. 03, 2026).

³⁶ Ministry of Electronics & IT, *AI Impact Summit 2026 Concludes with Adoption of New Delhi Declaration*, Press Information Bureau (Feb. 21, 2026), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2231208&v=4®=3&lang=2> (last visited Jun. 03, 2026).

³⁷ *Geneva to Host 2027 Global AI Summit*, DIGITAL WATCH OBSERVATORY (Feb. 20, 2026), <https://dig.watch/updates/geneva-to-host-2027-world-ai-summit> (last visited Jun. 03, 2026).

³⁸ *Switzerland's President Announces Geneva as Host of 2027 AI Impact Summit*, THE HINDU (Feb. 19, 2026), <https://www.thehindu.com/sci-tech/technology/next-ai-impact-summit-will-be-held-in-geneva-says-switzerlands-president/article70652671.ece>. (last visited Jun. 03, 2026).

³⁹ MINISTRY OF LAW AND JUSTICE, GOVERNMENT OF INDIA, ECOURTS PROJECT – PHASE III (2023), available at <https://doj.gov.in/phase-iii/> (last visited Jun. 03, 2026).

a landmark investment of ₹7,210 crore⁴⁰. This is not just about technology; it is about making justice accessible to the person standing at the very end of the line.

- **Breaking Linguistic Barriers (SUVAS)**⁴¹: Through the *Supreme Court Vidhik Anuvaad Software*, the linguistic divide that once gated our legal system is crumbling. By 2024, tens of thousands of judgments were translated into regional languages, ensuring that a litigant in a remote village can finally read the law in their own mother tongue.⁴²
- **Restoring Judicial Time (SUPACE)**⁴³: The *Supreme Court Portal for Assistance in Court Efficiency* acts as a digital companion to our judges. By helping navigate the overwhelming mountain of five crore pending cases, it augments human wisdom without ever attempting to replace it.⁴⁴
- **The Transparency of the Record**: Real-time AI transcription⁴⁵ in our highest courts has turned oral arguments into immediate, verifiable records. This brings a new level of transparency to our "open court"

⁴⁰ PRESS RELEASE, MINISTRY OF LAW AND JUSTICE, CABINET APPROVES ECOURTS PHASE III FOR 4 YEARS (Sept. 13, 2023), <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=1956919>. (last visited Jun. 03, 2026).

⁴¹ PRESS RELEASE, MINISTRY OF LAW & JUSTICE, FROM DIGITISATION TO INTELLIGENCE: HOW AI IS ENHANCING ACCESS TO JUSTICE IN INDIA (Feb. 11, 2026), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2226283>. (last visited Jun. 03, 2026).

⁴² *Id.*

⁴³ SUPREME COURT OF INDIA, LAUNCHING OF AI PORTAL - SUPACE BY HON'BLE SHRI JUSTICE SHARAD ARVIND BOBDE (Apr. 6, 2021), <https://webcast.gov.in/events/MTIIMQ-->. (last visited Jun. 03, 2026).

⁴⁴ *Id.*

⁴⁵ *Supreme Court of India to Expand AI-Based Live Transcription of Proceedings*, THE HINDU (Feb. 15, 2024), <https://www.thehindu.com/news/national/supreme-court-of-india-to-expand-ai-based-live-transcription-of-proceedings/article67848651.ece>. (last visited Jun. 03, 2026).

principle, ensuring that the words spoken in the pursuit of justice are captured with absolute fidelity.⁴⁶

XV. Evolution of Administrative Law: The "Right to a Reasoned Decision"

Our legal system is built on the belief that every action by the state must be backed by a clear, human reason. However, the "Black Box" of AI creates a procedural friction that threatens this core value.

- **The Challenge to Fairness:** When an algorithm decides a citizen's tax status or welfare eligibility without an explanation, it risks violating the sanctity of **Article 14 (Equality)**⁴⁷ and **Article 21 (Fair Procedure)**. We cannot allow "the computer says no" to become an answer that defies judicial review.
- **The Human-in-the-Loop:** Our courts have drawn a clear red line: while AI may assist, the final judgment must always belong to a human being. This "human-in-the-loop" requirement ensures that justice remains a compassionate, moral exercise rather than a mathematical one.

A. Personality Rights and the "Digital Avatar"

Our legal system is built on the belief that every action by the state must be backed by a clear, human reason. However, the "Black Box" of AI creates a procedural friction that threatens this core value.

- **The Arijit Singh Case (2024)**⁴⁸: The Bombay High Court's landmark ruling established that a celebrity's voice, vocal style, and mannerisms are protectable attributes. The court held that unauthorized AI-cloning constitutes a "brazen appropriation" of an individual's identity.

⁴⁶ *Id.*

⁴⁷ INDIA CONST. art. 14.

⁴⁸ *Arijit Singh v. Codible Ventures LLP*, [2024] (Bombay HC) (India).

- **Asha Bhosle Case (2025)⁴⁹:** This ruling reinforced that "voice" is an intangible biomarker under **Article 21**. It established that AI platforms cannot hide behind "innovation" to bypass the requirement of explicit consent for creating deepfakes or synthetic media.
- **The Challenge to Fairness:** When an algorithm decides a citizen's tax status or welfare eligibility without an explanation, it risks violating the sanctity of **Article 14 (Equality)** and **Article 21 (Fair Procedure)**⁵⁰. We cannot allow "the computer says no" to become an answer that defies judicial review.
- **The Human-in-the-Loop:** Our courts have drawn a clear red line: while AI may assist, the final judgment must always belong to a human being. This "human-in-the-loop" requirement ensures that justice remains a compassionate, moral exercise rather than a mathematical one.

B. Modernizing the Path to Justice: The Criminal Justice System (ICJS)

AI is now the invisible thread connecting the pillars of our criminal justice system—linking the police, forensics, and prisons to our courtrooms.

- **Healing Systemic Delays:** The Interoperable Criminal Justice System (ICJS)⁵¹ uses AI to ensure that forensic reports and evidence move seamlessly between departments, addressing the stagnation that has historically denied "speedy justice."
- **The Balance of Power:** Yet, this integration brings a heavy responsibility. As we move toward predictive policing and facial recognition, our courts are applying the Proportionality Test born from the Puttaswamy judgment. It is a reminder that the state's gaze, no matter how technologically advanced, must never overreach into the private lives of the citizens it serves.

⁴⁹ *Asha Bhosle v. Mayk Inc.*, [2025] (Bombay HC) (India).

⁵⁰ INDIA CONST. art. 21.

⁵¹ *Inter-Operable Criminal Justice System (ICJS)*, NATIONAL CRIME RECORDS BUREAU (2024), <https://ncrb.gov.in/en/inter-operable-criminal-justice-system-icjs>. (last visited Jun. 03, 2026).

As our Republic enters its seventy-sixth year, we find ourselves at a crossroads where the cold precision of technology must be harmonized with the warm, enduring pulse of **Constitutional Morality**. This study concludes with a firm conviction: Artificial Intelligence must never be allowed to drift into a legal vacuum, detached from the values that define us. The "Indian Way" is, at its heart, a **Rights-Based Strategy**—one that breathes life into the Constitution as a living *Grund norm*. It is a commitment to ensuring that every algorithm remains explainable, every automated decision remains open to human review, and every digital identity is held as sacred. Ultimately, the success of India's AI mission will not be measured by the fleeting speed of its code, but by its timeless ability to deliver justice that is modern in its reach yet traditional in its fairness.

XVI. Navigating the Future: Ethical and Policy Imperatives

To ensure that India's technological ascent remains anchored in its democratic soul, we propose the following policy shifts—not merely as legal amendments, but as essential safeguards for the dignity of every digital citizen:

- **Codifying the Right to Understanding:** We must lift the veil on the "Black Box" by evolving the DPDP Act to include a Statutory Right to Explanation. In a true constitutional democracy, no person should ever have to accept a life-altering decision—be it the rejection of a loan or a critical medical diagnosis—without a clear, human-readable reason. It is a matter of respect for the individual's right to be seen, heard, and informed.
- **A Compassionate Liability Framework:** Moving away from rigid, mechanical legalities, India should embrace a Graded Liability System. By scaling accountability to match the potential for human harm and the depth of human oversight, we can foster a spirit of innovation that is also deeply responsible. It ensures that if an autonomous system falters, the path to restitution leads back to a human heart or a corporate entity capable of making things right.
- **Institutionalizing Algorithmic Fairness:** To ensure our digital tools do not become silent carriers of historical prejudice, Mandatory

Algorithmic Audits⁵² must become the standard for all high-stakes AI. In the sacred spaces of law enforcement and public recruitment, rigorous bias-testing is more than a technical hurdle; it is a fundamental duty. We must ensure that our modern tools do not inadvertently breathe new life into the very social inequalities our Constitution has fought for seventy-five years to dismantle.

⁵² *India-AI Impact Summit 2026*, INDIAAI (May 16, 2026), <https://impact.indiaai.gov.in/> (last visited Jun. 03, 2026).