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ALGORITHM AND US: RECLAIMING HUMAN RIGHTS AND THE AI ERA

ABSTRACT

Is this true? These codes are written in an artificial style, which enables decisions to be made faster than humans can blink. Or do these invisible codes know how to crack the code of human life? Who knows what? — Let's go deeper with the mechanisms, legal ethics and find out the mystery of codes written in artificial intelligence. These algorithms are not confined to science fiction tales or hypothetical ideas. Now tasks such as loan application, education, filtering job applications, and picking catchy ideas can be performed in a more reliable way. Economic, social, and legal problems can be addressed and reshaped with the help of artificial intelligence. But one question looms large: Who bears the cost of human rights and technological efficiency at what rate? If this system quietly influences public life. Delivering this codified Justice to my patience in a more proven way often discriminates against human efficiency and reflects real-world inequalities. This also raises questions about our fundamental rights, how safe and far we can go in this algorithmic age if there are no checks & balances, AI scrutiny or no accountability and transparency.

KEYWORDS :

Artificial Intelligence, Digital Rights, Algorithmic Injustice, AI Accountability, and Data Privacy.

INTRODUCTION :

The father of artificial intelligence, McCarthy, coined the phrase artificial intelligence in a *Dartmouth summer research project on Artificial Intelligence* in 1956 as the founding event of Artificial Intelligence. Definition of Artificial Intelligence according to the Oxford Learner's Dictionary as “ *the study and development of computer systems that can copy intelligent human behaviour*”. Artificial intelligence is a tool of computer science which is developed in such a way that can perform human-driven tasks independently, such as the ability to think, solve complex problems, understand situations, and act on its own as humans do, however, at a faster rate. Artificial intelligence is introduced to sustain the fast life of humans and is being used to figure out and assess the real-world complex challenges with reduced human errors. Artificial intelligence helps in many ways, such as providing adequate relief in natural disasters through tracking locations for rescue, real-time monitoring, and resource allocation. At the time of an emergency, it offers user-friendly environments for the students to complete their studies without relocating elsewhere. Coca-Cola, Nestle, Mars and Mondelez are the food companies that are using Artificial Intelligence for their production and sustainable growth. Artificial intelligence works in the appropriate pattern, which includes inputting what you want, collecting

the data from various sources, processing the gathered data with a decision factor, giving the necessary outcome to the users, making adjustments to match the desired output, and then providing conclusive information to the information seeker or end user. It offers numerous advantages and disadvantages, including automating repetitive tasks, solving complex problems, enhancing customer experience, and advancing healthcare and medicine. Job displacement, discrimination, hallucinations, privacy concerns, and environmental costs are disadvantages. Siri(Apple), Alexa (Amazon), Google Assistant (Google), and Cortana (Microsoft) are widely and globally recognized virtual assistants. AI-powered tools such as OpenAI's ChatGPT, Google's Gemini and GitHub Copilot are used by developers, academicians, and researchers on a day-to-day basis.

Nowadays, Artificial Intelligence is becoming popular in the legal profession by providing specific services to young professionals, advocates, and legal interns. One can understand legal documents, legal language, and navigate the legal system effectively, especially for people who live in remote areas and are equipped with fewer resources. Artificial intelligence can help to bridge the gap by offering services through platforms where individuals can raise their grievances and resolve their legal concerns. It also protects human rights, ensures fair trials, and safeguards individuals who may be at risk due to race, gender identity or disability. *SUPACE* is an artificial tool that was launched by the Chief Justice of India and stands for *Supreme Court Portal for Assistance in Court Efficiency*. It is a pan-India project with a vision to transform India by information and communication technology, and funded by the Department of Justice for the betterment of the district Courts of the country. This tool is very cost-effective, transparent, saves time, and produces streamlined and customized data for the judges who can use it to solve complex legal matters, reducing delays and pendency of cases. *SUVAS, an AI-powered translation tool*. Stands for the *Supreme Court Vidhik Anuvaad Software* was launched by CJI S.A. Bobde in 2019, who took the initiative to translate collective legal documents in vernacular languages. *Article 348(1)(a)* of the Indian Constitution allows the Supreme Court of India and the High Court should do all the proceedings in English. But *Article 348(2)* allows the high court of that state to use Hindi or vernacular language with permission of the state governor of the same state, with the president's consent. This power of the Indian Constitution was conferred by the SUVAS to provide effective service of translation services. Numerous Artificial tools can be used by professionals, such as spotDraft, Casemine, Nearlaw, Pensieve, and Practice League, to assist legal researchers in conducting their research in seconds. These AI tools are tailored to meet legal research needs, offering swift case law analysis, structured drafting, and decision-making assistance. However, they cannot replace the nuanced reasoning and creativity of human lawyers.

FUNDAMENTAL RIGHTS IN THE ALGORITHMIC AGE: VIOLATION HIDDEN IN CODE

Artificial intelligence has proven as a revolutionary era where difficult tasks can be solved in minutes with effective and reasonable solutions.

This fast and convenient system of artificial intelligence often comes with anticipated legal challenges, which include infringement of constitutionally guaranteed rights, violation of the Information Technology Act, Bhartiya Nyaya Sanhita, Intellectual Property Rights, Consumer Protection Act, International frameworks, and the Digital Data Protection Act. These political, civil, social, economic, and cultural rights are protected under international documents such as “*the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights*”. Artificial Intelligence is widely being used to provide an effective mechanism for solving problems and improving the quality of the output; however, it has been affecting the rights of humans, namely the right to privacy, the right to freedom of speech, the right to choose a profession and earn a living, right against defamation and wrong representation of women through AI. Artificial intelligence harms the marginalized community, specifically women, children, Dalits, tribal communities, people with disability, LGBTQ+ individuals, religious minorities, and economically weaker sections. AI works on the uploaded mechanism. If the uploaded data is biased and old, it will revert accordingly. For example, system A is trained to recognize white or male faces only. How can it identify minority communities, women, and Black people? It may identify them as suspects, leading to false accusations and denial of access. What if an AI hiring tool is set to screen job applications of a specific format, language, urban over rural candidates, and trained to select men over women, which leads rejection of deserving candidates or applicants. Just in case the predictive policy tool is updated or trained to identify areas or people who are likely to commit a crime, this artificial intelligence will only target certain communities and lead to bias. Everyone should be treated equally and should not face discrimination, as per “*Article 2 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights*”. In 2015, an advanced software called Google Photos recognized two Black people as “gorillas”, and when somebody typed Black people in the search box, it showed explicit content with inappropriate images. Police in these Countries, like India, China, Denmark, and Hong Kong, use facial recognition to identify a prime suspect and predict crimes. UNHCR has used biometrics for facial recognition to record the identification of the refugees, which ought to be fair and accurate in data processing, but actually, it is not. Rohingya refugees in India and Bangladesh are often sent back to their countries due to biometric technology, which makes their lives more difficult and adds extra suffering to them. Artificial Intelligence has been adopted by companies for its faster growth, to suppress suffering and for cost-cutting. Right to work and protection from unemployment are guaranteed under many statutes, such as Article 23, Article 6, and Article 1(2) of the Universal Declaration of Human Rights, ICESCR and the International Labour Organization accordingly. In accordance with, A Chinese company confirms the replacement of 90 % of its workers with robots and increased production up to 250% with reduced human error. Additionally, Adidas

has already started using AI in the workforce to improve its efficiency and lessen its dependency on Human labour.

In a landmark ruling on September 20, 2023, Justice Prathiba M. Singh issued an ex parte omnibus injunction protecting Anil Kapoor's personality rights, including his name, image, voice, dialogue delivery, gestures, "Jhakaas" catchphrase, and signature likeness, especially against unauthorized AI-generated deepfakes, morphing, GIFs, merchandise, ringtones, and domain name misuse (e.g., simplylifeindia used his likeness without consent). The Court ordered the transfer of domain names like anil Kapoor.com, suspended infringing websites, and instructed regulatory authorities (MeitY, ISPs) to issue blocking orders against unauthorized online content. It held that such unauthorized commercial use amounts to actionable torts of dilution, tarnishment, and passing off, emphasizing protection under constitutional privacy and publicity rights, common law, and consumer protection against deceptive "dark patterns." This decision sets a strong precedent in India for safeguarding celebrity identity in the AI era. In the Puttaswamy Case, the Supreme Court emphasized that the right to privacy is a fundamental right guaranteed under Article 21 Of the Constitution of India, which protects life and personal liberty. However, the use of Artificial Intelligence creates a critical concern about privacy and data, which is available or uploaded on the server and can be accessed by the organization and its sites. This raises questions about privacy and data protection laws, and how much and how far data is protected. Indian laws have not been amended yet since Artificial intelligence came to the Indian world. Some of the guidelines have been given by the Ministry of Electronics and Information Technology, stating that the use of artificial intelligence is not biased and discriminatory. The real world reveals a different perception to perceive artificial intelligence as it uses past data and synchronizes old patterns of learning to deliver its output, which usually ends up being unfair and biased. This often affects marginalized and low-income groups when it comes to hiring, law enforcement and healthcare, which goes against the principle of equality under Article 14 of the Indian Constitution. Artificial intelligence collects data on its own and passes it to the end users, who could be government officials or executive members of a private company. This can be the situation of constitutional torts, where the action of the state harms the people of a democratic nation who believe in the actions.

In the case of *Richard Kadrey and others vs. Meta Platforms*, thirteen authors sued AI to download their books from illegal sources to train the AI model. The court looked into the facts and arguments from both parties, focusing more on the fair use of AI and said that it has been highly transformative to use AI to reflect the work of the author in a bigger picture or way. The concrete evidence should be given by the authors which shows how the use of a scientific model or AI declines their sales volume and has affected their profit margin. The authors could not show any proof in their favour, and the court ruled in favour of Meta. In the case of *Thomson Reuters vs. Ross Intelligence*, the court clarified what constitutes fair use of Artificial intelligence and whether it is transformative or not. In the landmark case of *Loomis v. Wisconsin (USA)*, where court held that the use of AI-based tools or software is

helpful unless the user knows how to use it. Without having a clear understanding of the algorithms and their opaque nature, it leads to potential harm to the end user. If a non-transparent tool is being used in the criminal justice system, it may violate the rights of individuals to a fair trial.

AI UNDER SCRUTINY, CONTROL, AND ACCOUNTABILITY:

We, as trusted users, upload our data for faster decision making or quick analysis, but what if artificial intelligence breaks this user-friendly trust and reliability, due to a lack of accountability and ethical standards? We accept this AI dream world with open arms, but obviously with certain questions about its ethical outcomes, such as operational risks, legal consequences, and damage to reputation. The use of artificial intelligence needs checks and balances at each step. It can also include layer-by-layer monitoring, which not only improves the functionality but also reduces potential risks. The company should make proper rules and regulations for AI use in the workplace of organizations, which include supervisors such as managers who constantly check the work of employees who are collaborating with them, and Developers of AI must adhere to safe uses, a user-friendly portal, and filter mechanisms for biased responses. If the vendors are selling AI-related products, this should be their responsibility to make the purchaser aware of their fair uses, legal liability, and unwanted dependency. In 2018, the *National Institution for Transforming India* (NITI AAYOG) released the “*National Strategy for Artificial Intelligence*”, which aims to remove all the bugs and gaps by using AI in healthcare, education, research and technology and building a smart city. In 2021, NITI AAYOG published the “*PRINCIPLES OF RESPONSIBLE AI*”, outlining the principles for the safe use of AI by ensuring security, privacy, inclusivity and taking accountability for wrongdoings. Recently, the Government has enacted the *Digital Personal Data Protection Act 2023*, which sets rules for how personal data must be used and prohibits the use of data without the user’s consent. Setting strict rules on who handles the user’s data and adhering to guidelines on the protection of the person’s rights. In 2019, the *Securities and Exchange Board of India (SEBI)* issued a circular that mandates the use of AI and machine learning to maintain the transparency and effective management of the financial market. *National Digital Health Mission* sets the healthcare standard for patient consent, protection of patients’ data on the system and AI-powered diagnostic tools.

“India’s approach to AI regulation is described as ‘pro-innovation,’ aiming to unlock AI’s potential while addressing anticipated risks. The government is balancing between a hands-off approach and more direct intervention. Currently, the focus is on developing policies and guidelines that acknowledge ethical concerns and risks, rather than enacting binding AI-specific laws.”

In January 2025, the Ministry of Electronics and Information Technology acknowledged the importance of the AI safety standard in academic institutions and industry partnerships through the *IndiaAI Safety Institute*.

CONCLUSION

Artificial intelligence makes life faster and easier by reducing human interaction and providing a convenient platform for ideas, decision making,

and solutions for your difficult tasks at an easy pace. Sometimes this convenience causes severe data manipulation, lacks transparency, reliability, violates human rights and raises legal questions about its accountability. Regulatory bodies should be established to ensure safety, make rules and regulations about the ethical use of AI, provide security to user data and protect their fundamental rights. There must be proper legislation which limits the extension of AI use and checks and balances for what is necessary to avail.