INTERNATIONAL JOURNAL OF LAW

MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 5 | Issue 1

2022

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Artificial Intelligence: Advantages and Disadvantages from the Perspective of Human Rights in India

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ABSTRACT

Artificial intelligence (AI) refers to the emulation of human intelligence in computers that are programmed to think and imitate their actions like humans. The word can also be applied to any computer that shows human mind-related characteristics such as learning and problem-solving. Human rights are something self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty, dignity and equality. AI is something that is increasingly being used in day to day use from our phones to home systems to self-driving systems in the car. There have been numerous instances reported where AI has intruded on the privacy of individuals hampering their human rights. It becomes important to conduct an analysis of AI in dept to study its advantages, disadvantages, impact on the lives of people and most vital is it encroaching on the human rights. The paper aims to co relate these two forces namely AI and human rights. The paper comprehensively covers the impact of AI on the human rights in the field of employment, health, medical care. The main focus of this paper lies on the advantages which AI offers enhancing the human rights and making them more accessible to the citizens of India. The paper also carries a small analysis of impact of AI on Human rights in different countries. The paper not only ponders about the benefits but also provides a deep understanding how AI hampers the human rights. Some recommendations and plausible solutions have been also discussed.

Keywords: *Artificial Intelligence, Human Rights, Privacy, Defense, Healthcare.*

I. INTRODUCTION

As we are at the crossroads of technological transition, when struck with scientific vision, history changes its pace. One such technological area is Artificial Intelligence (AI), which converts human society into robots and machines. AI involves machine learning, the encoding of human language, data mining, algorithms, and even more. However, because human intelligence is characterized by inherent bias in decision-making, AI products that operate with

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human-created intelligence may also find such characteristics.

II. ARTIFICIAL INTELLIGENCE

Artificial intelligence has no agreed-upon definition. It is described by Marvin Minsky, one of the founding AI scholars, as "the science of making machines do things that, if done by men, would require intelligence."[2] Another founding scholar, John McCarthy, defines it as "the science and engineering of making intelligent machines."[3]A recent Stanford University report defines AI as "a science and a set of computational technologies that are inspired by—but typically operate quite differently from—the ways people use their nervous systems and bodies to sense, learn, reason, and take action."[4]

According to the father of Artificial Intelligence, John McCarthy, it is *"The science and engineering of making intelligent machines, especially intelligent computer programs"*.

The use of artificial intelligence and machine learning technology is certainly capable to make significant changes in the world. From the realm of science fiction to debates in the highest levels of academia, commerce, and government, the concept of artificial intelligence has indeed been enhanced. Experts have only just started looking at the effect of artificial intelligence on human rights, however, and so far, they don't really even seem to agree on what the word entails.

III. HUMAN RIGHTS

Human rights are the basic right guaranteed to each and every individual which are available to them from their birth despite their nationality, race, religion, sex, gender, age. Everyone is entitled to the human rights without any discrimination.

The Universal Declaration of Human Rights (UDHR), the International Convention on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights specifically address human rights (ICESCR).

"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law." - Article 9 of the ICCPR.

"All persons shall be equal before the courts and tribunals. In the determination of any

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[2] "Report of COMEST on Robotics Ethics; 2017," n.d., 17.
[3] McCarthy, John, *"What Is AI? / Basic Questions"*, JMC.STANFORD.EDU. http://jmc.stanford.edu/artificial-intelligence/what-isai/index.html. (last visited Feb 19, 2021)
[4]Artificial Intelligence and Life in 2030, Report of 2015 Panel, Stanford University https://ai100.stanford.edu/sites/default/files/ai_100_report_0831fnl.pdf (last visited Feb 19, 2021)

criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law [...] Everyone charged with a criminal offense shall have the right to be presumed innocent until proven guilty according to law." - Article 14 of the ICCPR

According to the UN Principles on Business and Human Rights, *it is the duty of the state to protect the human rights of every individual and provide a legal remedy for the victims.* The state shall check the functioning of the industries, business owners, life insurance companies, etc to stop the exploitation of the victims by the abusers through the violation of human rights.

IV. History of AI

Artificial Intelligence is not a new term for researchers and not a new technology. This is a technology that is much older than you would expect. In Ancient Greek and Egyptian myths, there are also myths of mechanical men. In the history of AI, the following are some milestones that define the journey from the generation of AI to the date of development.

(A) Artificial Intelligence Maturation (1943-1952)

Warren McCulloch and Walter Pits conducted the first work that is now known as AI in 1943. A model of artificial neurons was suggested by them. Donald Hebb has demonstrated the updating rule for adjusting the relationship strength between neurons. His legislation is now called Hebbian learning. In 1950, Alan Turing was an English mathematician who invented machine learning. In which he suggested a test, Alan Turing published "Computing Machinery and Intelligence". The test will check the ability of the computer, called a Turing test, to demonstrate intelligent behavior equal to human intelligence.

(B) Artificial Intelligence's birth (1952-1956)

The "first artificial intelligence program" called "Logic Theorist" was developed by Allen Newell and Herbert A. Simon. This program proved 38 of 52 theorems in mathematics, and found new and more elegant evidence for some theorems. At the Dartmouth Conference, American computer scientist John McCarthy first adopted the term 'Artificial Intelligence'. AI has been coined as an academic field for the first time.

(C) The Years of Gold-Early excitement (1956-1974)

The researchers emphasized the development of algorithms that can solve problems in mathematics. In 1966, Joseph Weizenbaum developed the first Chabot, which was called ELIZA. The first intelligent humanoid robot, which was called WABOT-1, was developed in Japan in 1972.

(D) A boom in AI (1980-1987)

AI returned with "Expert System" after AI winter period. Expert systems have been programmed that imitate the decision-making ability of a human expert. At Stanford University, the first national conference of the American Association of Artificial Intelligence was held in 1980.

(E) The second winter of AI (1987-1993)

The second AI Winter era was the span between the years 1987 to 1993. Again, because of the high cost but not effective outcome, investors and government stopped funding for AI research. There was a rather cost-effective expert system such as XCON.

(F) The rise of smart agents (1993-2011)

In 1997, IBM Deep Blue defeated the world chess champion, Gary Kasparov, and became the first machine to beat a world chess champion. In 2002, in the form of Roomba, a vacuum cleaner, AI entered the house for the first time. By 2006, AI had arrived in the corporate world. AI has also begun to be used by companies like Facebook, Twitter, and Netflix.

(G) Deep Learning, Big Data And General Intelligence Artificial (2011-Present)

In the year 2011, Watson of IBM won jeopardy, a game show, where all the complex questions and riddles had to be solved. Watson had demonstrated that it could understand natural language and easily solve tricky questions. In 2012, Google released a "Google now" Android app feature that was able to provide the user with knowledge as a prediction.

"In 2014, in the notorious "Turing test," Chatbot "Eugene Goostman" won a competition. IBM's "Project Debater" debated with two master debaters on complex topics and also performed exceptionally well.

With the advance in technology the artificial intelligence plays an important role in the modern technological friendly world. Everyone today is attached with the artificial intelligence through their mobile's phones, laptops and other gadgets. The technology has changed the lifestyle of every individual the lifestyle of an individual has drastically changed in the last two decades the dependence on the software's are increasing day to day. The artificial intelligence is upgrading tremendously. The one most common example of artificial intelligence attached to our daily routine is Google assistant or Alexa everything is controlled and managed by artificial intelligence which no one would have imagined two decades ago.

The upgradations of the AI have many advantages as well as disadvantages. The disadvantages are dangerous as the indirectly violates the fundamental principles of human rights which are

an essential part of our life.

The advancement of AI is interfering with humans' rights of the individual in various aspects and one of the aspects is privacy.

"No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks." - Article 17 of the ICCPR.

"Everyone has the right to respect for his or her private and family life, home and communications." - Article 7 of the EU Charter of Fundamental Rights.

AI systems are often educated by access to broad data sets and the analysis of them. In order to create feedback channels and ensure calibration and consistent refining, data is also collected. This processing of data interferes with provisions for privacy and data security. Data analysis using AI systems can disclose people's private data details, information known as protected information, and should be considered sensitive to protected information even if it is derived from large data sets fed from publicly available content.[5]

Every individual has a right to employment which is greatly affected by the development of AI now the work which required humans can be done by the software's. The AI is replacing humans which is increasing unemployment. The right to work and protection against unemployment is guaranteed under Article 23 of UDHR.

Earlier there were 20 labors required for production but with the advancement of technology one machine can perform the work of 20 labors, 1 labor is required to manage and control the machine, which is cost effective and the production is also fast but it is decreasing the employment which will ultimately lead to poverty and deterioration of living standards.

V. ARTIFICIAL INTELLIGENCE AND IMPACT ON DEFENSE SECTOR IN INDIA

(A) Military

As far as military and human rights are concerned, there are certain rights that the members of armed forces shall enjoy for instance, the rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, and the human rights guaranteed by the Indian constitution, such as the right to life and personal liberty, the right to equality, prohibition of discrimination etc. are guaranteed to the soldiers as well.

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[5]AccessNow, '*AI and Human Rights*' (last visited Feb 25, 2021) https://www.accessnow.org/cms/assets/uploads/2018/11/AI-and-Human-Rights.pdf
[6]Towarda data science, https://towardsdatascience.com/advantages-and-disadvantages-of-artificial-intelligence-182a5ef6588c (last visited Feb 20, 2021)

However, with the introduction of the Artificial Intelligence in the field of military, Human Rights and Fundamental Freedoms could be at risk.

Technological advances may adversely affect the military and humanitarian sectors. Laws should necessarily be created for these sectors. In the event of a lack of legislation in this field, it may result in chaos and mass killings.

For instance, there has been a rise in the use of armed drones in US warfare, which has been in violation of international humanitarian law. U.S. military operations against the Taliban and al-Qaeda in the Hindu Kush resulted in the death of 9 out of 10 drone warfare.

When we talk about Killer Robots, which raise a plethora of moral, human, legal and security issues. Machines would have no moral, emotional or ethical concerns that could increase the extent of the lack of discretion, and therefore could lead to the killing of innocent citizens on the grounds of error or some inconsistency in their programme.

Zachary Kallenborn's articles states about the incapability of these weapons to distinguish between, combatants and an innocent human.[6]

(B) Drones

The Indian Army has strengthened its drone capabilities, developing 75 native unmanned aerial vehicles (UAVs) that can also be used to strike enemy forces for offensive operations.

Since August 2020, the combat drones, which were part of the 'swarm technology' seen at the Army Day Parade on 15 January, have been integrated into phases, improving the surveillance capabilities of the military and also providing an element of surprise in carrying out targeted strikes to assist troops on the ground.[7]

1. Advantages

- ***Easy Controllable or Transportable Advancements***: in drone control technology, operators and soldiers, even with relatively limited technical backgrounds, can easily mount and operate drones. Drones are open to a broad range of operators, with a wide range of low-cost drones available for a variety of purposes. Compared to a crewed

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[6]Zachary Kallenborn, "*The Race is on: Assessing the US-China Artificial Intelligence competition*", MODERN WAR INSTITUTE, https://mwi.usma.edu/race-assessing-us-china-artificial-intelligence-competition/ (last visited Feb 20, 2021)

[7]Abhishek Bhalla, *Indian Army gets ready for 'swarm' drone attacks : Know all about the aerial warfare tactic*, INDIA TODAY,
https://www.indiatoday.in/india/story/indian-army-gets-ready-for-swarm-drone-attacks-1759493-2021-01-15 (last visited Feb 20, 2021)

aircraft, unmanned aerial vehicles (UAVs) have a more extensive range of motion, fly less in all directions, and can navigate quickly.

- *Security*: The security based around them is another value that weighs the pros and cons of a drone. Drone operators can use the Unmanned Aircraft System (UAS) with necessary permits and licenses to provide security and surveillance for private undertakings, potential locations and other operations, as well as to assist the Army and the Navy. To support defense and rescue operations, drones may also obtain detailed information from natural disasters.

- *Reach Dangerous Area*: UAV's are making a cakewalk for combatants to collect valuable data from hard-to-reach areas. It is the most effective alternative to overcome the limitations of conventional protection methods, particularly in dangerous situations such as radiation monitoring and the inspection of high-voltage lines. Drones also allow for a more cost-effective approach to inspections of these locations.[8]

2. Disadvantages

While the advantages of drones are infinite, there are several downsides to drone technology.

- *Privacy*: UAVs can easily fall victim to exploitation and violate the privacy of a group or person. According to Article 12 of the Universal Declaration of Human Rights, "No person shall be subjected to arbitrary interference with his or her privacy, family, home or correspondence, or to attacks on his or her honour and reputation. o Everyone has the right to protection of law from such intrusion or attacks." While many wishes to use drones to ensure protection, they could breach various individual freedoms in the name of law enforcement.

- *Safety*: When operating drone technology, safety is a key aspect that must be prioritized. UAVs equipped with high-quality sensors recognize possible collisions and securely plan their way around them, making them an important characteristic. These drone capabilities must be similar to those of navigators for manned aircraft. Recruiting professional drone service providers who can fly an air drone without crashing it is praiseworthy. Drones operated in heavily populated areas, mostly due to computer malfunction or hacking, have an increased risk of ground impact or injury. Everyone has the right to life, to be free and to feel comfortable, according to Article 3 of the UDHR. Drone technology clearly violates the provision of this important article to which India is signatory.

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[8]. *10 Major Pros & Cons of Unmanned Aerial Vehicle Drones*, Equinoxs Drones, https://www.equinoxsdrones.com/blog/10-major-pros-cons-of-unmanned-aerial-vehicle-uav-drones

- ***Software Problems or Malfunction***: Many drones have fired weapons at commoners previously, resulting in a significant number of deaths, injuries and damages due to malfunctions of hardware or software. The protection of other military personnel is also being attacked by drone mishaps. In order to avoid accidents or dangers that can impact the health and safety of human life, drones are still being improved.

- ***Spying***: Many criminals use drones to target and keep track of their victims as a tactic. Blatant propeller noise is no longer a concern and is unnoticeable, allowing criminals to invade the privacy of others. Many drones equipped with thermal and night sensors identify life signs and efficiently target those that could be risky during the war that are actually of interest to the spy. Since UAVs can seize accurate data, routine behaviors can be registered and suspicious behaviour can be detected without permission. Governments continue to argue that their espionage programs are lawful and that, especially if such espionage is arbitrary, it may not be a violation of international law. The definition of "arbitrary" means that it "must be *proportional* to the end sought and be *necessary* in the circumstances of any given case", as the decided in the famous case of **_Toonen v Australia_**.

Therefore, if the government has to allow drone technology in the military, they should ensure and make the relevant laws with minimal repercussions and damages, taking into account the protection and security of civilians and soldiers.

Aggressive Drone Operations of Artificial Intelligence (AI) incubated with an Indian start-up. This project symbolizes the beginning of the attempt by the Indian Army to rely on weapons platforms and demonstrates the Army's dedication to integrating state-of-the-art digital technology with its human capital.[9]

VI. ARTIFICIAL INTELLICENCE AND PRIVACY

Privacy is an important aspect of any individual's life. The right to privacy is enshrined in numerous instruments of international human rights, such as the Universal Declaration of Human Rights (UDHR), the International Civil and Political Rights Covenant (ICCPR)[10], EU Charter of Fundamental Rights[11], etc. The rise of Artificial Intelligence has correctly shifted the words focus towards data privacy. Many human rights defenders have raised their concern over rise of AI in everyday activities like facial recognition, social media, etc. AI invariably affects privacy which is an invaluable human right.

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[9] *Ibid*.
[10] INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, 1966, ART. 8
[11] EUROPEAN CHARTER ON HUMAN RIGHTS, 1951, ART. 8

In India, the right to privacy has been given the status of a fundamental right. The Supreme Court of India in "***K. S. Puttaswamy (Retd.) v Union of India***"[12] held that the right to privacy is intrinsic to and inseparable from human element in human being and core of human dignity. The Court recognised that with the growth and development of technology, more information is now easily available and information privacy is also a facet of right to privacy. But India does not have any strong data protection laws.

The law governing digital space in India is the Information Technology Act, 2000. It does not cover every aspect of safety in the digital space and has not been amended in view of rise of technology like the Artificial Intelligence. This is the only legislation in India that contains provisions on data protection, albeit very few. Under this Act, as per Section 2(1)(o) "data" means representation of information in varied forms that has been prepared in any formalized manner and which is intended to be processed in a computer system.

(A) Advantages

- ***Data classification:*** Artificial Intelligence is highly effective in identifying and classifying data that would take a human almost over ten years. AI significantly reduces ones time and effort. The ability of AI to classify data in such a short time means that the present data business companies will fall within data privacy regulations and therefore consumers can request their data to be available. AI can collect previously collected information and apply into different set of algorithms so that data classification becomes easy. By this, human errors are reduced considerably and data can be stored with higher accuracy and precision.

- ***Managing sensitive data:*** Apart from organizing data, AI is also capable of handling sensitive data that might have been exposed as a result of human error or being exposed to human operator. For example, in case of heath care sectors Artificial intelligence can aggregate data with an additional layer of safety and privacy. Artificial intelligence technology is extremely efficient in analyzing data and therefore as a result with all data protection cautions it is almost impossible to leak any sensitive or private data.

Artificial intelligence also is capable of detecting threats in advance. As AI can efficiently analyze huge chunk of data, it can therefore easily identity vast number of activities that can carry any risks such as virus and therefore it allows humans to concentrate on smaller number of malicious threat to save effort and time.

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[12] (2015) 8 SCC 735 (India).

(B) Disadvantages

- ***Data collection:*** AI collects huge amounts of information, including data streams from mobile and other forms of electronic devices, and extrapolates from it in order to help professionals make decisions based on data and its unique insights. When companies save such huge amounts of information about their present clients, competitors and customers, their collective right to privacy may be threatened, especially as AI advances and new methods to utilize personal information are discovered.[13]

The data used by AI systems may not secure information and may reveal private information about individuals. This information may be of the sort that qualifies as secured information and should be treated as sensitive even if derived from big data-sets acquired from publicly available information material.[14]

- ***Mass surveillance:*** Surveillance by the government has increased with the rise of the internet usage and the latest technological advances, and AI is favouring further invasive surveillance methods than ever before. For example, although not even a single government that is fully centralized has face recognition system is known to be existing, China's work in the development of installing more CCTV cameras in public places and centralizing its face recognition systems tends to show that this trend could change soon. In the United States of America, more than fifty percent of the adult population is already enrolled in law enforcement face recognition databases. Their use is a threat which would not ease the process to end anonymity, and the fear of someone watching all the time can discourage the public to exercise other rights, such as the freedom of association.[15]

VII. ARTIFICIAL INTELLIGENCE AND HEALTHCARE

AI is a factual approach to data models and to 'learn' by preparing them with details. AI is probably the most commonly known form of AI; 63 percent of the organizations surveyed used AI in their organizations in a 2018 Deloitte review of 1,100 US leaders whose associations were at that point pursuing AI.[16] At the centre of various ways to deal with AI, it is an expansive approach and there are numerous aspects of it.[17]

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[13] Information Accountability Foundation, *Artificial Intelligence, Ethics and Enhanced Data Stewardship*, p 6. http://privacyconference2017.org/eng/files/ai.pdf (last visited Feb 20, 2021)

[14] Patricia A. Norberg, Daniel. R. Horne & David A. Horne, '*The Privacy Paradox: Personal information disclosure intentions versus behaviours', Journal of Consumer Affairs*, 41/1, 100–126 (2007).

[15] Michael Kirby, '*The Fundamental Problem of Regulating Technology'*, Indian JL & Tech, 5 (2009).

[16] Volpp K, Mohta S. Improved engagement leads to better outcomes, but better tools are needed. Insights Report. NEJM Catalyst, 2016, https://catalyst.nejm.org/patient-engagement-report-improved-engagement-leads-better-outcomes-better-tools-needed. (last visited Feb 20, 2021).

[17] *Ibid*.

The most commonly accepted use of traditional AI in medical care is precision medicine, foreseeing what therapy conventions are likely to prevail on a patient based on various patient credits and the setting of therapy. The vast majority of AI and accuracy drug applications require a dataset of planning for which the outcome variable (e.g. beginning of infection) is known; this is referred to as controlled learning.

(A) Advantages

- *AI fosters healthcare accessibility:* Sadly, many non-industrial nations are as yet lingering behind the world's mechanical advancement in numerous circles and medical services for them stays the most difficult one. Individuals living in the remotest corners face the danger of kicking the bucket since it is essentially difficult to get qualified clinical assistance in time.[18]WHO asserts that lopsided admittance to the wellbeing administrations brings about a 18.1-year hole in future between the most extravagant and least fortunate nations.

- *AI-driven tools help uncover risks of early illness:* Since AI is able to aggregate and retain the data of individuals in a solitary location, it can use this information to see past and current medical conditions. Such an analysis of the subtleties of illness empowers physicians to make a more definitive determination.[19]

(B) Disadvantages

- *A lack of personal involvement:* Robots for medical procedures are fully intelligent and not customized to feel any sympathy for patients. It is seen by a few experts as an annoyance. Human skills in individual interaction with the wiped out actually go beyond those of PCs. In building confidence and care, associations between a specialist and a patient are important.

- *An increase in healthcare worker unemployment rates:* Since AI has been conducted on a more impressive scale in the entire medical care scheme, various exercises usually performed by individuals should be possible these days by machines. Speak bots and robotics will assist with mental well-being, break down the state of patient well-being, and predict a few problems such as seizures, sepsis, heart failure, and so on.[20]

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[18] Char DS, Shah NH, Magnus D. *Implementing machine learning in health care – addressing ethical challenges*, N Engl J Med 378:981–3(2018).

[19] DAVENPORT TH, KIRBY J, *ONLY HUMANS NEED APPLY: WINNERS AND LOSERS IN THE AGE OF SMART MACHINES* (1ST ED., HARPER BOOKS, 2016)

[20]Volpp K, Mohta S, *Improved engagement leads to better outcomes, but better tools are needed. Insights Report.* NEJM Catalyst, 2016, https://catalyst.nejm.org/patient-engagement-report-improved-engagement-leads-better-outcomes-better-tools-needed. (last visited Feb 20, 2021).

VIII. CONCLUSION

The extensive discussion makes it crystal clear that AI is not only restricted to phones, home systems as digital assistants but is broadly used in all fields such as medical care, employment, military, law enforcement. AI provides numerous benefits in different fields such as in healthcare it ensures healthcare accessibility, early diagnosis, time and cost efficiency, unrivalled assistance in surgery; in employment it ensures reduction in human error, saving precious human lives by conducting risky jobs through AI, quicker and faster decisions. AI, although a huge boon, comes with real numerous risks, prominent being high risk of unemployment – direct displacement of minimum qualified individuals who perform repetitive task by AI robots which can perform similar task with more efficiency. It will lead to job polarization and will affect the right to work of people, as a subsequent reaction to unemployment it will also reduce the standard of living of people drastically. Moreover, AI is restricted to organized sector only and as the industries in organized sector are mostly capital intensive than labour intensive, it is unlikely on its part to contribute to large scale employment. AI demands a certain level of skill set, which in India is difficult to achieve. Other ethical issues include mass surveillance, data collection all form of breach of privacy.

AI is something that is still emerging and is a field with potential to evolve tremendously. However, its growth should be monitored under the lenses of international and national framework through a bundle of legislations. Nations are dealing with the concern, how best to manage the public risk associated with AI by restricting stifling innovations through imposing liability, making new laws, or mandating certification for approval to implement Artificial Intelligence. India is taking initiatives in the fields of research and development of AI to deploy it in various sectors, whether it is industrial, automotive and data analysis to make policies. At the very least, its architecture and implementation should prevent damage to basic human values in order for AI to serve the common good. AI should be used to aid Human rights and made a tool by which human rights can be protected. Limited and regulated use of AI for the benefit of human beings should be promoted and any sort of violation of human rights should be prevented.

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