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# Does Artificial Intelligence give birth to new human rights challenges? - An Indian Perspective

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## ABSTRACT

*Being in 20<sup>th</sup> century we are witnessing tremendous growth in terms of technology. And the pace of this growth is also increasing day by day. At present though we facing global pandemic we are stopping ourselves by evolving in using new technology. Presently Artificial Intelligence is becoming new buzzing word for technology sector. This technology somewhere replace human work by providing human intelligence. This growing technology has manifold aspect related to it. It will enhance the work quality by minimising man effort and could make their life more easier and comfortable one. AI is a huge area it can be widened in large scope and can working many sectors such as education, health, work place etc. These may raise issue with regards to human rights because these all are connected to day to day life of human where that can be interfere by the human machine. This human machine may cause human life by taking away their fundamental human rights as to work, freedom, equality etc. The study includes Indian perspective in this regard what are their position to tackle this era.*

*In the present paper the researcher will converse on how AI and human rights contrary to each other in practical world. Especially they will take into consideration scenario of India, where they will study the present policy of the government and challenges going to be faced by them in this arena.*

**Keywords:** Artificial Intelligence, Human Rights, India, Human Rights Challenges.

## I. INTRODUCTION

### (A) Historical development of AI

Computerized reasoning [AI] is a structure of computers prepared to perform tasks that normally require human information. An enormous number of these computerized reasoning structures are boosted by AI, some of them are constrained by significant learning and some of them are leveraged by especially debilitating things like guidelines, code, norms. This goes

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with acknowledging which incorporates aggregating the rules and information for using the data. As a result of data based assistance organizations it has gotten astoundingly notable and become need of an hour.

Since the first recognition of word Artificial Intelligence in the year 1956 by Scientist John McCarthy in two months research program at Dartmouth<sup>3</sup>, it has always created a buzz and taken up front seat with the introduction of artificial human Brain. Artificial Intelligence is all about getting machine think and act as Human mind does as Human mind is ultimately combination of or network of electronic neurons.

The initial object of Having AI is to be equipped with system that can help in interpreting data and learning from such data to achieve set parameters in lesser time line than the traditional available means of doing it but gradually it has proved that AI is not about what we think but it is going beyond what 'we'-Humans can think, act or go for. With the passage of time concept of AI has been widened and it included terms like machine learning and Deep learning<sup>4</sup>. In machine learning data is being digested, analysed and diluted with set parameters and from there system can help in formulating expressions based on where as in Deep learning content is being recognized even from facial expression, sound inputs or retina recognition.

AI and its usage in current times is becoming like sky where no boundaries apply and it can be expanded till horizon like in the first Industrial revolution we have witnessed innovation of Steam engine and whole industrial working pattern has changed, through second Industrial revolution where mass production has been introduced and concept regarding industrial productions have seen vast changes, through third revolution communication sector has taken driving seat for driving growth and development of any country and in the very same way we can see fourth Industrial revolution in terms of Digital revolution which is in the hands of Artificial Intelligence.

### **(B) Scope of Artificial Intelligence**

AI is a kind of tool which is having interference in everyone's world be it in form of facial recognition locks or auto suggestions in drafting mails or in terms of auto corrections in messaging. Digital voice assistance, Smart machines, Smart refrigerators are new additions of AI in current times and it has made very clear that technological developments have taken multifold leap in very short time span with the help of AI and it is considered as the most

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<sup>3</sup><https://www.forbes.com/sites/gilpress/2016/12/30/a-very-short-history-of-artificial-intelligence-ai/?sh=c62e87d6fba2> (Jul. 08, 2021, 12:23pm)

<sup>4</sup><https://www.zendesk.com/blog/machine-learning-and-deep-learning> (Jul. 09, 2021, 10:34am)

important aspect of growth in science including life science and natural sciences.

AI is not thinking like Humans rather is thinking beyond human brains. Medical science has developed and achieved new heights with the development of Artificial Intelligence as new type of cancer cells been identified by AI<sup>5</sup> and robotic surgeries are being performed by expert doctors being kilometers away from actual patient and operation theatre<sup>6</sup>. Recent time of pandemic has shown extraordinary usage of AI system where AI implemented robots are being used to serve and monitor infected patients which has lessen down mortality rate of infected medical practitioners.

As it has laid down significance in all the directions, how legal field can be untouched with?? As law and legal aspects do touch all the ends of business entity and everything a particular business institution does is backed by legitimate understandings in from of contracts, Intellectual Property and many more aspects, regardless we know it or not, consider it or not but advancement will be like rock solid truth and it's been witnessed in the practice followed by law firms and legal practitioners.

## II. AI AND INDIAN LEGAL SET UP

As AI is getting affirmative node from stake holders of all the fields, parties to legal domain are also concerned as table turner which has changed position of Practicing lawyers, Law makers as well judiciary. Even after having recognition from almost all the fields, it is still considered as underdeveloped from the view of governing and legal implications affecting AI. As of now it is not having developed law for the same rather is being regulated by a policy document.<sup>7</sup> The patterns in these strategy archives recommend more prominent duty regarding engineers of AI frameworks than simply the more extensive realized issues identified with AI frameworks previously perceived internationally.

Ongoing strategy documents aka policy document<sup>8</sup> and working drafts on Artificial Intelligence gave by the Niti Aayog (or the Planning Commission under the Government of India) perceive moral and crucial worries with the execution of AI and clue towards a self-

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<sup>5</sup> <https://www.nature.com/articles/d41586-020-00847-2> (Jul. 09, 2021, 11:34am)

<sup>6</sup> <https://analyticsindiamag.com/how-surgical-robot-assistants-are-becoming-a-reality-in-indian-hospitals-and-healthcare-sector/> (Jul. 09, 2021, 13:34pm)

<sup>7</sup> <https://www.mondaq.com/india/privacy-protection/1015476/self-regulation-in-artificial-intelligence-an-indian-perspective> (Jul. 11, 2021, 10:38am)

<sup>8</sup> "Working Document: Towards Responsible #AIforAll – Part I" (*issued August 2020*), (<https://niti.gov.in/sites/default/files/2020-07/Responsible-AI.pdf>), and the latest one being the "Working Document: Towards Responsible #AIforAll – Part I" (*issued November 2020*), (<https://niti.gov.in/sites/default/files/2020-11/Towards-Responsible-AI-Enforcement-of-Principles.pdf>). (Jul. 13, 2021, 11:44am)

administrative methodology towards the equivalent in coming occasions. In this setting, it is significant for Artificial Intelligence (AI) and Machine Learning (ML) engineers and partners to comprehend the significance of exact self-administrative activities needed to abstain from gambling legitimate and administrative red-hailing by government experts in the coming future.

The Union Ministry of Commerce and Industry set up an Artificial Intelligence Task Force in August 2017 so as to 'implant AI in our Economic, Political and Legal manners of thinking so that there is foundational ability to help the objective of India becoming one of the heads of Man-made intelligence rich economies'<sup>9</sup>Through this paper, it's been intended to outreach the current AI legal dimensions and brainstorm the cross disciplinary issue on the AI and Human Rights- the most untouched aspect though having vast coverage and impacting on all the human lives.

Presently the administration of nations turning more towards welfare state and the governments gets tremendous power in their hands to make policies and law for their citizens. The governments can take away their rights such as right to privacy and certain fundamental rights. They can watch over their rights and on individual's life when they are enjoying rights. Above it the government policies are more favourable to private entities and big businesses who promote technology. This will result into significant growth in AI sector. Even in present time we are habituated in using such AI things from our home appliance to media application to our daily life. We are on the verge where we have driver less cars, robotics operation and health care, robot in restaurants and in education field etc. AI is progressively present in our lives, reflecting a growing tendency to turn for advice, or turn over decisions altogether, to algorithms. We are surrounded by "Artificial" intelligence, AI, is such ability that demonstrated by machines, in smart phones, tablets, laptops, drones, self-operating vehicles or robots that might take on tasks ranging from household support, companionship of sorts, even sexual companionship, to policing and warfare.<sup>10</sup> This will going to affect major man power and their work. This technology replaces human mind and human efforts and this will affect their human rights. This leads to facing many human rights challenges.

Technology always ease our life and it also benefit in our area of work where we can get more quality of work and effectiveness in the result. The Indian government has already made certain changes in their policy with regard to right privacy and data protection. But this AI poses many

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<sup>9</sup> 2017 Artificial Intelligence Task Force <https://www.aitf.org.in/> (Jul. 19, 2021, 14:34pm)

<sup>10</sup> Risse Mathias, "Human rights and artificial intelligence –An urgent needed agenda" [https://carrcenter.hks.harvard.edu/files/cchr/files/humanrightssai\\_designed.pdf](https://carrcenter.hks.harvard.edu/files/cchr/files/humanrightssai_designed.pdf) (Jul. 06,2021, 09:07 am)

questions concerning our basic rights as it is going to replace human mind and human work.

### III. CHALLENGES TO HUMAN RIGHTS IN THE ERA OF AI:

The AI system works on algorithms and that can do anything with coding and with relevant data they have.<sup>11</sup> And day by day this algorithm and domain system progressing and coming into our daily life. AI works by combining large amounts of data with fast, iterative processing and intelligent algorithms, allowing the software to learn automatically from patterns or features in the data. AI is a broad field of study that includes many theories, methods and technologies etc.<sup>12</sup> Through this wide number of data and human activity transmitted to one machine that is known as AI.

This type of work helps in different researches and study like machine learning, neural network, deep learning etc. This help in giving very prompt result in very less time. Algorithms do better than humans wherever tested, even though human biases are perpetuated in them: any system designed by humans reflects human bias, and algorithms rely on data capturing the past, thus automating the status quo if we fail to prevent them. These systems can be extremely powerful, generating analytical and predictive insights that increasingly outstrip human capabilities. They are therefore liable to be used as replacements for human decision-making.<sup>13</sup>

AI has a great challenges to human rights in numerous modes. Non-discrimination, equal freedom, privacy and equality is enshrined in various documents and covenants of United Nations. Indeed AI through its system make everyone on a common platform and put everyone on equality. But this algorithm system has failed in some instances in face recognitions. And specially shows discriminatory predispositions towards “Black People”. There many instances such as *“In 2015, Google Photos, that is considered an advanced recognition software, categorised a photo of two black people as a picture of gorillas. On the same way keywords such as Black Girls were characterised as sexually explicit material in the Google search.”*<sup>14</sup>

This is very deep concern with regard to discrimination on race and colour where AI is infringing vital human rights. Apart from this major concern is right to privacy which increases surveillance and monitoring in individual’s life. Almost every individual is on social media and uses different apps and phones. This makes very easy for the companies to identify their targeted customers from their search engines. Companies creates algorithm as per their product

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<sup>11</sup> Supra note 9

<sup>12</sup> [https://www.sas.com/en\\_us/insights/analytics/what-is-artificial-intelligence.html](https://www.sas.com/en_us/insights/analytics/what-is-artificial-intelligence.html) (Jul. 07, 2021, 10: 00 am)

<sup>13</sup> <https://international-review.icrc.org/articles/ai-humanitarian-action-human-rights-ethics-913> (Jul. 06.2021, 09:05 am)

<sup>14</sup> <https://blogs.lse.ac.uk/humanrights/2020/07/16/beginning-of-artificial-intelligence-end-of-human-rights/> (Jul. 07, 2021, 10: 00 am)

and they can come to about their specific customer and easily reach to them. This actually transfer data of one person to one company this is gross infringement of right to privacy.

When it's come to India, the Supreme Court has recognised right to privacy as a fundamental rights in *Justice K. S Puttaswamy v UOI*<sup>15</sup>. This lead to draft law on data protection for India and the same bill on Data Protection Bill is pending in the parliament. The bill covers major business enterprises to abide by its provisions. According to this bill no data will go out of India and it will secure in India. But this bill is giving much more leeway to government for exemption. This raise concern for right to privacy issue for citizen of India.

One more vivacious challenge towards human rights is unemployment. We are using robotics, drones and other such devices for our safety and to reduce manpower. These technologies will not have direct impact on employment but may bring inequalities in employment. They might increase inequality in different groups of workers and between labour and firm owners. While they do not cause widespread loss of jobs, they do change the demand for certain skills and contribute to a shift towards more flexible but precarious "contingent work" arrangements.<sup>16</sup> Apart from this disparity there are various sectors where AI may replace humans such as transportation, electronic commerce, health care, education etc.

Indeed new developments in the technology gives robust growth to any economy but we need to consider relevant aspects that affects to major human rights concerns. India being developing country where our major part is living on labour sector and man power if replaced by such technology or creates inequality amongst them, then it will be grave concern area.

#### IV. CONCLUSION

AI is leading all the sectors and industry into another direction where focus has always been on maximising use of available resources, which is definitely achieving goal set by ministry of trade, commerce and economics but meanwhile it has also started showing unwanted as well unaccepted results concerning work force and other involved stake holders. Like as mentioned by Justice Nageshwar Rao in his mentioning on "AI and Legal filed" it's been mentioned as tool of discrimination as all the results shown by AI are based on fed data and it may come as systematic racism or castism in Indian perception and that is biggest dig at protecting human dignity.

As Given the perplexing landscape of exploring difficulties presented by AI frameworks, it is

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<sup>15</sup> (2017) 10 SSC 1

<sup>16</sup> <https://www.un.org/en/desa/will-robots-and-ai-cause-mass-unemployment-not-necessarily-they-do-bring-other> (Jul. 07, 2021, 10: 00 am)

fundamental that future consultation, strategy making, and guideline of AI is educated by various disciplines on an equivalent balance. These should be morally, legitimately, actually, and insightfully educated all through the interaction.

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