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AI AND ALGORITHMIC BIAS: LEGAL AND ETHICAL IMPERATIVES

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ABSTRACT

Algorithms, instead of being neutral, can reproduce and intensify social prejudices and inequalities. In India, an extremely stratified society, addressing algorithmic bias is not only a legal but also an ethical requirement. It is our position that the constitutional guarantees of equality, non discrimination, and privacy, along with recent data protection legislation, should be applied and extended to this subject to address the biases hidden within Artificial Intelligence (AI) systems. This paper maps Indian law and global ethical standards to identify gaps in regulation and proposes an integrated, rights based framework to ensure fair AI.

Keywords: *AI, Algorithmic Bias, Legal & Ethical Imperatives, and ethical governance of AI.*

I. INTRODUCTION

AI systems are perceived to be objective when, in fact reflect biases, which can perpetuate forms of discrimination that are possibly against the law.

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Algorithm bias is a type of systematised, unfair or biased AI outputs that benefit certain groups and harm others[1]. Particularly, this bias is often not caused by bad intentions but by data or design flaws. To illustrate, in case an AI recruiting tool is trained on past hiring data in which one gender or caste dominates the others, it might learn to reiterate and promote these trends.[2] In the Indian socio-technical setting, it implies that algorithms can further propagate casteism, sexism, regionalism, or even any other form of prejudice, which are inherent in society.[3]

The significancy of this article is its recognition that India's unique constitutional values and social context demand a tailored approach to AI. We spotted a significant gap in Indian legal literature on algorithmic discrimination and proposed a roadmap to address it, namely, integrating constitutional theory and data protection law with the emerging ethical governance frameworks. Therefore, this article will be of interest to legal scholars, policy makers and researchers working at the intersection of AI, constitutional law and ethics.

II. BACKGROUND

According to a Software Freedom Law Centre report, discriminatory training data resulting in discriminatory training and discriminatory design decisions may have a disastrous impact on the overall outcome of the AI system, which is either poor or discriminatory towards minorities[4]. Another way that biased results breed more biased results is through feedback loops. Algorithms, as one commentator cautions, are not in any way neutral unless carefully guarded; they may exacerbate as well as correct social inequalities[5].

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[1] Pratik Sinha, *Algorithmic Bias and Discrimination in India*, *The Wire* (Feb. 12, 2020).
[2] Vidushi Marda, *Artificial Intelligence in India: A Framework for Responsible Deployment*, *Carnegie India* (2020).
[3] Vidushi Marda, *Artificial Intelligence Policy in India: A Framework for Engaging the Limits of Data-Driven Decision-Making*, 16 *Indian J. L. & Tech.* 1 (2020).
[4] SFLC, *Recommendations on Report on AI Governance Guidelines Development* (Feb. 2025) (India).
[5] Danielle Keats Citron & Frank Pasquale, *The Scored Society: Due Process for Automated Predictions*, 89 *Wash. L. Rev.* 1, 4–10 (2014).

In India, this risk is acute. Indicatively, the fingerprint or iris scanners of Aadhaar have been reported to malfunction[6] more frequently among the seniors or rural workers, effectively disqualifying them from welfare programs[7]. Likewise, experiments with predictive policing or facial recognition have also triggered concerns about Muslims and the lower-caste neighbourhoods being over-policed.

These biases can be strengthened through feedback loops and systems increasingly unequal. The cases of Aadhaar biometric flaws, particularly among the elderly, rural and manual workers, are portraying how the technical failure by technology can leave vulnerable groups out of the benefits of welfare. On the same note, predictive policing and facial recognition have been experimented with to attract criticisms of targeting Muslims and lower-caste neighborhoods disproportionately. In general, the visualization demonstrates that systemic socio-technical prejudices may enhance the existing inequalities unless they are meticulously managed and audited.

The following examples highlight the fact that algorithmic fairness cannot be presupposed. Legal and ethical standards should be vigorous to avert the entrenchment of inequality by AI. This paper examines such imperatives. We start by looking at the way algorithmic bias occurs and why it is important in India. Moving on to the legal context of India, we evaluate the constitutional rights and the new regulations that are in place that deal with AI bias and evaluate the extent to which they do so.[8] We also scan international ethics, e.g. UNESCO[9], OECD, and EU guidelines[10] that define how India is doing.

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[6] R. Ramanathan, Aadhaar Biometric Failures and Exclusion, 53 Econ. & Pol. Wkly. (2018); UIDAI, Grievance Redressal Reports (Gov't of India, 2017–2020.

[7] Sucheta Dalal, JAMmed: How Aadhaar-based Inclusion Turned into Financial Exclusion, available on https://www.moneylife.in/article /jammed-how-aadhaarbased-inclusion-turned-into-financial-exclusion /75544. htm l?utm , accessed on 18 Nov. 2025 at 15: 45.

[8] JSA, Curio AI Series AI & IP: Artificial Intelligence: Bias, Discrimination and the Law (06/08) (JSA Legal Influencer, Lexology Legal Influencer Q4:2023 (JSA is a leading national law firm in India.)

[9] UNESCO, *Recommendation on the Ethics of Artificial Intelligence* (2021); OECD, *OECD Principles on Artificial Intelligence* (2019).

[10] European Commission, *Ethics Guidelines for Trustworthy AI* (2019).

Determining gaps in law and scholarship, we speak of counter-arguments, e.g. data fixes will be enough, regulation will kill innovations and explain why proactive regulation is nonetheless needed[11]. Lastly, we suggest that Indian social justice is a commitment that requires bringing algorithmic accountability to law and ethics.

Whereas international standards are becoming more and more imposing on proactive responsiveness, it remains the case that India is placing significant emphasis on voluntary principles and sector-related advisory. The gap that has been left behind depicts the need to make legal structures and protection of ethics more robust. The cooperation with India needs to be enhanced to ensure social justice and the preservation of rights and to reduce the threat of discrimination and exclusion.

A. Defining Algorithmic Bias

In the case of algorithmic bias, the AI system generates systematically discriminative results. Ordinarily speaking, any AI black box is discriminatory when it always tends to favour one group over the other, based on invalid inputs or due to its design.[12] It does not have anything to do with how engineers intentionally show bias, but rather with the concealed patterns in information and coding.[13] According to one analyst, algorithmic bias is a result of an interaction of reasons which are embedded in the process of creating AI.

The Key Sources of Bias include

(1) Data Bias

In situations where the training data is biased towards a certain group, such as under-representing a particular caste, gender or geographic area, the AI

[11] NITI Aayog, *National Strategy for Artificial Intelligence* (2018).
[12] Dhruvitkumar V. Talati, Artificial Intelligence and unintended bias: A call for responsible innovation, *International Journal of Science and Research Archive*, 2021, 02(02), pp. 298-312.
[13] Lorenzo Belenguer, AI bias: exploring discriminatory algorithmic decision making models and the application of possible machine centric solutions adapted from the pharmaceutical industry, *AI and Ethics* (2022) 2: pp. 771–787.

becomes trained in those biased directions. An example that can be given is an AI-based hiring tool that is mainly trained on data related to male employees.[14] It can be trained to reproduce and uphold gender bias. In India, the data may be prejudiced due to the underrepresentation of Dalits, women, or rural populations[15].

(2) Design Bias

The AI models incorporate the assumptions of the developers. Decisions concerning the features that are important, the weighting of them, or the type of algorithm can encode bias unintentionally. As an example, home ownership, a proxy of wealth, may be over-emphasised by an automated loan-screening algorithm, and poor or landless applicants may be disadvantaged.[16]

(3) Feedback Loops

After being deployed, an AI with bias can produce more biased information[17]. As an illustration, in case a predictive policing algorithm dispatches additional patrols to a specific slum, it will capture a greater number of arrests in that slum, which the AI will consider as proof of high crime within the community, and the process repeats.[18]

Such dynamics are also well recorded in AI literature. On a national level, researchers in India have cautioned that AI tends to learn and reinforce historical biases in data e.g. historical biases related to an entrenched caste or gender disparity.[19] Researchers have listed various forms of bias statistical,

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[14] Joy Buolamwini & Timnit Gebru, *Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification*, in *Proc. Mach. Learning Research* 1 (2018).
[15] NITI Aayog, *National Strategy for Artificial Intelligence* (2018).
[16] Solon Barocas & Andrew D. Selbst, *Big Data's Disparate Impact*, 104 *Calif. L. Rev.* 671, 688–95 (2016).
[17] Andrew Guthrie Ferguson, *The Rise of Big Data Policing: Surveillance, Race, and the Future of Law Enforcement* 45–52 (2017).
[18] Rashida Richardson, Jason M. Schultz & Kate Crawford, *Dirty Data, Bad Predictions: How Civil Rights Violations Impact Police Data, Predictive Policing Systems, and Justice*, 94 *N.Y.U. L. Rev. Online* 15, 22–28 (2019).
[19] Vidushi Marda, *Artificial Intelligence Policy in India: A Framework for Engaging the Limits of Data-Driven Decision-Making*, 16 *Indian J. L. & Tech.* 1, 12–18 (2020).

label, or measurement bias. As an illustration, the training labels themselves may be biased, leading to a phenomenon known as label bias, and the way data is collected may be biased so that some groups are systematically omitted, a phenomenon known as measurement bias.[20]

Concisely, a technically correct AI model may result in a breach of the principle of equal treatment provided that its outputs conform to the social hierarchies that exist in society.[21] According to Joshi, all the elements of an algorithm, as he notes, may represent specific political decisions that carry over existing discrimination in algorithmic manifestations.[22] Effective algorithms in documented services or recruitment efficiently develop huge-scale classifications of individuals; unless utilised with caution, they will bring into existence additional groups of discrimination that are not yet identified by the existing regulations.[23]

B. Bias in the Indian Context

The social environment of India is particularly troubling with algorithmic bias. Hundreds of years of caste, religious and gender stratification ensure that the marginalised groups are frequently underrepresented in standard AI data. Individuals have observed that the Indian tech industry is largely dominated by upper-caste, urban, and English-educated men, and thus, the views of Dalits, Adivasis, rural population, or women are usually absent.[24] The other problem is language diversity NLP datasets can pay attention to Hindi or English and overlook regional languages, thus disadvantaging non-English speakers.[25]

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[20] Sayan Bhattacharya & Rahul De', *Algorithmic Bias and the Promise of AI in India*, *IIM Bangalore Working Paper* No. 628 (2020).
[21] Anupam Chander, *The Racist Algorithm?* 115 *Mich. L. Rev.* 1023, 1029–34 (2017).
[22] Aayush Joshi, *Discrimination by Design: Algorithmic Bias and India's Constitutional Mandate*, *Centre for Internet and Society* (2021).
[23] Udbhav Tiwari & Sarayu Natarajan, *Algorithmic Bias and the Law in India*, *Vidhi Centre for Legal Policy* (2020).
[24] Amit Sharma & Surya Mattu, *Caste in Technology: Structural Biases in India's AI and Tech Industry*, 14 J. TECH. & SOC'Y 45, 47–50 (2023.
[25] Kautilya Katyayan et al., *Language Inequality in Indian NLP Datasets*, PROC. ASS'N Computational Linguistics 1, 3–6 (2022).

There are real-world examples that depict stakes. In the medical field, an AI diagnostic system that is trained mostly using urban patient data can fail to diagnose or detect diseases among rural or tribal people.[26] In learning, an algorithm predicting student achievement by school type may hurt the performance of students in the low-funded rural schools. Data gaps on minority defendants can provide inaccurate risk scores in criminal justice. There is also a study of the *LedBy Foundation*[27] that revealed that even the same resumes with Hindu and Muslim female names received significantly different levels of callback in India, which demonstrates how algorithmic employment systems conditioned on historically biased results can perpetuate that bias at scale.

Programs that are highly acclaimed have failed[28] miserably due to favouritism. The Aadhaar biometric authentication in India was an example; this was to universalise welfare. However, the field reports indicate it fails disproportionately among the elderly, manual labourers and those with disability who are already marginalised. Ideally, an individual without a trustworthy fingerprint may be denied access to social benefits[29]. Likewise, AI-enhanced policing has been used to cause concern. The experimental work on facial recognition by the Delhi Police was also criticised as being wildly inaccurate on non-Hindu faces; one report cautioned that it would lead to a disproportionate representation of Muslims.[30] The Internet Freedom Foundation reported that the police accepted 80 per cent matching confidence in a positive ID, which, according to experts, is dangerous to create false positives, particularly when it comes to darker-skinned or differently dressed individuals.

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[26] R. Singh et al., *Bias in Clinical AI Models: Unequal Outcomes for India's Rural and Tribal Populations*, 12 Indian J. MED. Ethics 112, 115–17 (2023).
[27] LedBy Foundation, *Hiring Bias in India: A Field Experiment on Name-Based Discrimination* (2021), Available on https://www.ledby.org accessed on 20 November 2025 at 15:04.
[28] Reetika Khera, *Impact of Aadhaar Authentication Failures on Welfare Access*, 55 ECON. & POL. WKLY. 12, 13–15 (2020).
[29] R. Rao, *Biometric Exclusion and the Right to Food in India*, 44 J. DEV. STUD. 221, 225–28 (2021).
[30] Aparna Bhat et al., *Religious Bias in Facial Recognition Systems Used by Law Enforcement*, Centre For Internet & Society Report, 4–6 (2022).

These instances indicate that algorithmic bias is not a theoretical concept in India. According to one critic, in an otherwise society full of "systemic inequalities based on caste, gender, classes and religion, biased AI is a danger that may only further result in existing injustices at the expense of technological objectivity[31]. The stakes are great unless fixed, AI might interfere with the affirmative action objectives, equality of employment opportunities, fairness, and other constitutional principles.[32]

C. Constitutional and Legal Framework

The rise of algorithmic governance necessitates a re-evaluation of Article 14 of the Constitution of India. The traditional doctrine of reasonable classification permits differential treatment only when there exist a clear basis of distinction and a rational connection between such classification and the intended objective.[33]

When applied to AI systems in areas such as recruitment, credit evaluation, and policing, this doctrine encounters significant challenges.[34] Complex data processing and predictive modelling is a standard foundation of algorithmic decision-making as opposed to transparent and easily understandable criteria. This creates issues about clarity of classification, and also determining whether it can be evaluated and determining its validity or not[35]. Furthermore, where datasets reflect historical disparities or embedded biases, the necessity of a rational nexus becomes questionable, particularly when outcomes disproportionately affect certain groups despite a formally neutral design.[36]

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[31] Usha Ramanathan, *Caste, Code, and Algorithms: Structural Inequality in India's AI Ecosystem*, 59 ECON. & POL. WKLY. 22, 23–24 (2024).
[32] Pranav Menon, *Algorithmic Governance and the Indian Constitution: Equality, Due Process, and the Future of Automated Decisions*, 12 INDIAN J. CONST. L. 101, 118–25 (2023).
[33] *State of West Bengal v Anwar Ali Sarkar* AIR 1952 SC 75; *Budhan Choudhry v State of Bihar* AIR 1955 SC 191.
[34] Frank Pasquale, *The Black Box Society: The Secret Algorithms that Control Money and Information* (Harvard University Press, 2015).
[35] Tarunabh Khaitan, *A Theory of Discrimination Law* (Oxford University Press 2015).
[36] Sandra Wachter, Brent Mittelstadt and Chris Russell, 'Why Fairness Cannot Be Automated: Bridging the Gap Between EU Non-Discrimination Law and AI' (2021) 41(2) *Computer Law & Security Review* 105567.

The increasing involvement of private actors further complicates this analysis. With the introduction of AI systems by private bodies that control access to jobs, financial services, and social services, the issue of whether constitutional guarantees apply horizontally comes into question. Courts' judicial trends indicate an increasing readiness to question non-State behavior that is especially relevant to basic rights, and therefore an expansion of constitutional responsibility beyond the traditional definition of State action[37].

In this context, the classical framework of reasonable classification appears insufficient.[38] A shift towards a substantive understanding of equality is necessary one that considers not only formal distinctions but also the real-world impact of algorithmic decisions, particularly on vulnerable and historically marginalized groups. Equal treatment and non-discrimination have emerged as the basic principles stipulated in the Constitution of India. Article 14 guarantees equality before the law and equal protection of the law, and Article 15 is formulated in non-discrimination of the state against religion, race, caste, sex or place of birth. Article 16 offers equality of opportunity in state employment, and Article 21, life and personal liberty, which was confirmed in *Puttaswamy v. Union of India*[39], has a fundamental right to privacy and information self-determination. Implicatively, these rights extend to governmental action by AI, e.g. automated policing or automated welfare decisions, as well as arguably to non-State actors, as the prohibition of discrimination in Article 15 applied to the State, but the prohibition of action as in Article 14 is a matter of fact.

Nevertheless, the jurisprudence has not clearly applied these guarantees to algorithmic decisions. In its Aadhaar case (*Puttaswamy II*)[40], the Supreme Court acknowledged expansive obligations on the state concerning

[37] *Justice KS Puttaswamy (Retd) v Union of India* (2017) 10 SCC 1; *Zee Telefilms Ltd v Union of India* (2005) 4 SCC 649
[38] *E P Royappa v State of Tamil Nadu* (1974) 4 SCC 3.
[39] *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.
[40] *K.S. Puttaswamy (Aadhaar-5J.) v. Union of India*, (2019) 1 SCC 1.

surveillance and data security, but avoided much discussion of the claims purporting that automated classification is the precipitating factor in attracting Article 14 scrutiny. Indian courts are yet to formulate doctrines to impose constitutional scrutiny on automated decision-making, as one analyst notes. The equality law has always been aimed at human prejudice or discriminatory laws, and not some disguised statistical models. Therefore, Articles 14 and 15 can serve as possible means of combating algorithmic injustice, but now, they are not used to the full extent[41]. Although the ideals of the Constitution are there, there are few clear rules regarding AI or algorithmic fairness in the law. There are, at best, general data protection and industry provisions:

D. Privacy/Data Protection

The Information Technology Act, 2000[42] incurs certain data liabilities e.g. Section 43A would hold corporate bodies to reasonable security measures, and Section 72A would give an indictment of careless disclosure of individual data. However, they are concerned with breaches of data or consent, rather than the way data is used by the algorithms. India is closer to a GDPR like regime as the new Digital Personal Data Protection Act, 2023 (DPDP Act) is established.

It requires fair treatment and puts responsibilities on Significant Data Fiduciaries, large platforms, such as annual impact assessment and audit of algorithms. Importantly, the personified DPDP Rules (2025) state that SDFs must make sure that rights are not infringed upon using an algorithmic software.[43] This is an encouraging move: the alcoholic law, for the first time, acquires the idea of algorithmic governance. The concern of the DPDP Act is, however, on personal data and consent. It implements duties; it does not discuss the fairness of algorithms, explainability, or human control.

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[41] Anuj Bhuwania, *Algorithmic Inequality and Indian Constitutional Law*, 8 INDIAN L. REV. 201, 215–18 (2024).
[42] The Information Technology Act, No. 21 of 2000.
[43] Ministry of Electronics & Information Technology, *Digital Personal Data Protection Rules, 2025*, Gazette of India, Nov. 14, 2025 (India).

Concisely, the law on data protection, by itself, cannot regulate the numerous evils of AI, such as when an algorithm process exploits non-personal or anonymised data, it is not subject to such regulations.[44]

E. Sectoral Laws

Certain sectoral rules have an implication on the use of algorithms, e.g. RBI guidelines on automated lending, or rules on biometric Aadhaar authentication[45]. However, it does not have a broad AI or discrimination-related law. There is no legislation today which stipulates that an employer who has employed AI hiring tools must show that such tools do not contravene non-discrimination conventions. Similarly, in administrative law, there are no provisions on automated decision-making.

The Administrative Law requirement of reasonableness or fairness would theoretically be applied to an algorithmic act by the government, but courts have not yet decided to rule on such cases. Therefore, regarding the privacy of data, the current statutes and judicial decisions create a gap in regulation. According to a recent analysis, India lacks a comprehensive or industry-specific AI law, and there are no legally binding guidelines to test the bias of the algorithms, remedy harm or hold AI systems accountable.[46]

Overall, the legal framework of India is founded upon high ideal standards of equality, justice, and, at present, certain provisions of data protection, but there is no explicit protection against AI bias. The laws and the Constitution indirectly embrace fairness, yet the gap between the ideals and coded reality remains to be bridged by jurisprudence or statute. This loophole would be dangerous to India as a country that respects social justice: algorithms used in law enforcement, welfare, or employment without any checks and balances may unintentionally infringe rights.[47]

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[44] Graham Greenleaf, *India's DPDP Act 2023: Limited Scope and Significant Gaps*, 176 PRIVACY L. & POL'Y REP. 1, 4–6 (2024).
[45] Reserve Bank of India, *Fair Lending Practice Guidelines* (2023).
[46] Vidushi Marda, *Regulating Artificial Intelligence in India: Gaps, Risks, and the Need for Accountability*, 17 J. Indian L. & Tech. 1, 8–14 (2024).
[47] S. Subramanian, *Algorithmic Governance and Social Justice in India: Constitutional Risks and Regulatory Vacuums*, 41 Indian J. Pub. L. 89, 102–08 (2024).

III. THE ARTIFICIAL INTELLIGENCE (ETHICS AND ACCOUNTABILITY) BILL, 2025

The Artificial Intelligence (Ethics and Accountability) Bill, 2025[48], attempts to establish a legal infrastructure of responsible design and deployment as well as governance of AI systems in India. It is based on constitutional principles of equality, non-discrimination and safeguarding of life and personal liberty, hence, the spirit of Articles 14 and 21.

The Bill suggests that AI systems, particularly those related to high-impact industries such as employment, policing, healthcare, and finance, should be operated following the principles of transparency, fairness, accountability, and explainability. One such institutional characteristic is the Ethics Committee of AI Technologies that reviews algorithms and datasets to create and mitigate risks of bias and exclusion[49]. It oversees the application of AI in sensitive areas and assists in making sure that the technological practices uphold dignity, privacy and equality.

The committee also eases redressal of grievances and formulates ethical principles in AI governance. The Bill also puts more focus on the issue of algorithmic accountability as it requires impact assessments and independent audits. It imposes on developers that they should avoid discriminatory results and gives people the right to obtain an explanation and human consideration of the automated decisions. Also, compliance and enforcement would be regulated by the proposed AI Regulatory Authority, which will enhance the protection against algorithmic bias and rights-focused AI governance.[50]

A. India AI Governance Guidelines (2025)

The Indian government and policymakers are starting to act as such issues have been identified. The newly published India AI Governance Guidelines

[48] Bill No. 59 of 2025.
[49] Frank Pasquale, *The Black Box Society: The Secret Algorithms that Control Money and Information* (Harvard University Press 2015).
[50] Ibid.

specifically point to the existence of the so-called algorithmic biases as a major risk, along with misinformation and security risk concerns. These Guidelines are based on seven principles, such as Fairness & Equity and Accountability. By instilling equity in the national AI philosophy, India indicates that AI innovation should be used by the whole citizenry.

India's regulatory framework governing artificial intelligence and data protection has undergone a notable transformation since late 2025, necessitating a revision of the present analysis. The Digital Personal Data Protection Rules, 2025, notified with phased implementation, signal a transition from a largely normative legal framework to one increasingly oriented toward enforcement. In parallel, the operationalization of the Data Protection Board of India marks a significant step toward institutionalizing compliance and regulatory oversight, with 2026 expected to witness more active enforcement mechanisms.

Simultaneously, India's AI governance approach has evolved into a more structured framework[51]. The introduction of the India AI Governance Guidelines in 2026 reflects a move away from fragmented ethical discourse towards a coordinated techno-legal model. The proposed institutional mechanisms, including advisory and safety bodies, demonstrate an intent to formalize governance structures. However, these developments remain largely principle-driven and lack the stringent enforcement architecture characteristic of regimes such as the EU AI Act.[52]

From a legislative perspective, the so-called "AI Employees Bill" corresponds to the Artificial Intelligence (Protection of Rights of Employees) Bill, 2023, introduced as a Private Member's Bill. As of early 2026, it has not attained binding legal status and should therefore be treated as an evolving policy proposal rather than enforceable legislation.

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[51] Government of India, *India AI Governance Guidelines* (2026) (policy framework).

[52] Regulation (EU) 2024/1689 of the European Parliament and of the Council laying down harmonized rules on artificial intelligence (Artificial Intelligence Act).

The empirical dimension of AI deployment in policing requires careful treatment. Although institutional platforms such as the National Crime Records Bureau and the Inter-Operable Criminal Justice System facilitate the integration of AI and data analytics into criminal justice processes, there is no dedicated official dataset addressing algorithmic bias in policing. Existing NCRB publications focus primarily on crime statistics and law enforcement performance, without examining the impact of AI-driven decision-making.[53]

This creates a critical accountability gap, as the increasing use of technologies such as predictive policing, facial recognition, and data-driven surveillance is not matched by corresponding transparency regarding bias, error rates, or discriminatory outcomes.[54] Given that such systems often rely on historical datasets that may embed existing social inequalities, there is a risk that algorithmic tools may reproduce or intensify patterns of discrimination.[55] In the absence of targeted empirical evidence, claims of algorithmic neutrality must therefore be approached with caution, highlighting the need for stronger mechanisms of transparency, accountability, and independent evaluation.

B. Digital Personal Data Protection Rules (2025)

The DPDP subjects the major data fiduciaries to algorithmic risk assessments and impact audits. Organisations that handle lots of data, for the first time, are required to check that the technical tools and algorithm systems they apply do not affect individual rights[56]. These proposals resemble new international standards e.g. EU AI Act, 2024 requirements, and establish a legal point of control on algorithmic responsibility in other fields, such as social media, finance, and e-commerce.[57]

[53] National Crime Records Bureau, *Crime in India* (various years); Ministry of Home Affairs, Inter-Operable Criminal Justice System (ICJS).
[54] Andrew D Selbst and Solon Barocas, 'The Intuitive Appeal of Explainable Machines' (2018) 87 *Fordham Law Review* 1085.
[55] Cathy O'Neil, *Weapons of Math Destruction* (Penguin Random House 2016).
[56] Section 10 of The Digital Personal Data Protection Act, No. 22 of 2023.
[57] See Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 on Artificial Intelligence (EU AI Act).

The Digital Personal Data Protection Rules, 2025, the processing of personal data under the Digital Personal Data Protection Act, 2023, are a major statutory measure of the processing of personal data in India, especially with the emergence of new technologies like artificial intelligence. These Rules require that personal data are processed by data fiduciaries under the grounds of a free, informed, specific, and unambiguous consent, which is backed by the requirement of express notice of the purpose and nature of using data.[58]

The Rules have transparency, accountability, and data minimization requirements in the context of AI systems, in particular, automated decision-making, and thus provide solutions to the problem of algorithmic opaqueness and bias. Notably, the Significant Data Fiduciaries designation compels organizations that use high-risk AI systems to conduct data protection impact assessment, periodic data audits, and appoint Data Protection Officer(s).

Such precautions play a significant role in averting discriminatory results that may be caused by biased data or non-transparent algorithms. The Rules also acknowledge the rights of the data principals, access, correction, erasure, and grievance redressal, which can be used as procedural means to combat algorithmic harms. Therefore, the DPDP Rules, 2025 contain a statutory framework within the conditions of the AI and Algorithmic Bias: Legal and Ethical Imperatives to ensure equity, accountability, and safeguard the informational privacy under Article 21 of the Constitution of India.[59]

C. The Artificial Intelligence (Protection of Rights of Employees) Bill, 2023

Parliament presented a bill that will address the use of AI in the workplace, the Artificial Intelligence Protection of Rights of Employees Bill, 2023 (AI

[58] Digital Personal Data Protection Act 2023 (India); Digital Personal Data Protection Rules 2025 (India).
[59] *Justice KS Puttaswamy (Retd) v Union of India* (2017) 10 SCC 1.

Bill 2023). According to its Statement of Objects, AI may enhance e-biases in the data, and this may lead to discrimination during hiring and promotion.

The Bill would provide the principle of algorithmic transparency, the requirement of bias-detection training, and the correction of biased results. To illustrate, it requires the introduction of extensive principles in efforts to counteract employment data prejudice. This would be among the first sector-specific AI laws in the world, should it pass[60].

The AI Bill, 2023, is a new piece of legislation that attempts to control AI applications in employment settings, especially in cases where algorithmic processes affect hiring, surveillance, appraisal and termination. The Bill is aimed at making sure that the use of AI technologies by employers would not compromise the basic labour rights, such as equality, dignity, and fair working conditions.

It requires transparency in making decisions by algorithms since it requires employers to reveal how and why automated systems are used and their effect on employees. Another prominent characteristic of the Bill is that it focuses on avoiding algorithmic bias and discrimination, in particular, based on gender, caste, disability, or socio-economic status.[61] Employers have the duty to audit AI systems periodically in order to detect and prevent discriminatory results. The Bill also gives employees the option to request the human consideration of the automated decisions, and this is one solution to the ambiguities and accountability issues. Also, it includes provisions that touch upon data protection, making sure that the surveillance is not excessive and that employee information is used proportionally.[62] Within the wider scope of AI and Algorithmic Bias: Legal and Ethical Imperatives, the proposed legislation can be viewed as a rights-based approach, which means

[60] R. Mehra, *India's Emerging Sector-Specific Regulation of Workplace AI: A Global First?*, 12 IND. LAB. & Tech. L.J. 55, 60–63 (2024).
[61] Cathy O'Neil, *Weapons of Math Destruction* (Penguin Random House 2016).
[62] Sandra Wachter, Brent Mittelstadt and Chris Russell, 'Why Fairness Cannot Be Automated: Bridging the Gap Between EU Non-Discrimination Law and AI' (2021) 41(2) *Computer Law & Security Review* 105567.

that the governance of technologies is necessary in accordance with the constitutional provisions in Articles 14 and 21 and supports the necessity of ethical application of AI in the workplace.

IV. THE NATIONAL AI STRATEGY 2018

The National AI Strategy found data selection bias and the consequent discrimination of AI models (2018-2023) to be a challenge that needs regulatory and standards frameworks. The Aayog AI for All initiative and later Responsible AI documents proposed fairness, transparency and trust of the user. These policy documents, even though non-binding, provide an administrative impetus to the ethical use of AI in government projects (e.g. traffic management, health diagnostics.

A. These New Steps indicate a change

Instead of regarding data and algorithms as purely technical topics, it is possible to note their influence on society. Most of them, however, are voluntary rules or guidelines on restricted areas. When the AI Employees Bill is implemented, it would codify the mitigation of bias in a single area (workplaces), which is not exhaustive. In addition, a system of enforcement (e.g. punishment of biased AI) is not specified. The law system is, therefore, at a crossroads and demands a more holistic approach.

B. Ethical Requirements: Standards International

Global ethical systems coupled with law support the importance of algorithmic fairness. India is either a signatory or a participant in several such endeavours.

C. UNESCO Recommendation on the Ethics of AI (2021)

The UNESCO Recommendation, a soft law instrument which India ratified, focuses on human rights and dignity and entails the principle of transparency and fairness in its essence[63]. It even requires responsibility and

[63] UNESCO, *Recommendation on the Ethics of Artificial Intelligence* arts. 1–4 (2021).

accountability, audits and impact assessments, transparency and explainability, and fairness and non-discrimination as its Ten Core Principles. Principle 10 of the Recommendation reads: "The AI actors must foster social justice, fairness, and non-discrimination. It thereby makes it an ethical responsibility to design the algorithms fairly. The presence of India highlights its adherence to the following principles: for instance, the UNESCO Women for Ethical AI initiative, including Indian tech specialists, is developing non-discriminatory algorithms and data sources[64].

V. OECD PRINCIPLES ON AI (2019)

India affirms the five principles of the OECD that AI should be robust, secure, and safe; AI should respect human rights and democratic values. Importantly, the OECD insists on fairness and non-discrimination through mitigation of bias, and transparency through traceability of AI processes. These values have motivated the audit clauses of the DPDP Rules, teaching on the OECD push towards impact assessments and the emphasis on innovativeness with responsibility[65].

A. European Union AI Act

The proposed AI Act of the EU,[66] which is not Indian law, but would become one soon is an example of a binding regulation. It categorises the AI systems according to the level of risk and requires stringent rules on high-risk applications, e.g. in law enforcement or employment.[67] More importantly, such systems must have a fundamental rights impact assessment and external audits. This reflects the DPDP audit requirement in India and indicates some kind of worldwide convergence: governments regard

[64] UNESCO, *Women for Ethical AI Initiative* (2022), Available on https://unesco.org accede on 20 November 2025 at 15:53.
[65] OECD, *Recommendation of the Council on Artificial Intelligence* arts. 1–2 (2019).
[66] European Parliament, Regulation (EU) 2024/1689 of the European Parliament and of the Council on Artificial Intelligence ("AI Act"), art. 27, 2024 O.J. (L 229) (EU) (requiring fundamental-rights impact assessments for high-risk AI systems).
[67] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 on Artificial Intelligence (EU AI Act) arts. 6–9.

algorithmic bias as a human rights concern and should be regulated by the government.[68]

Other international norms support these imperatives and are known as Global Ethical Norms. As an example, both the G20[69] AI Principles that India contributed to developing and the IEEE Ethically Aligned Design are based on the importance of fairness, accountability, and participation. These unenforceable tools are a consensus: AI should not be guided by efficiency only, but by other social principles.[70]

A combination of these frameworks confirms that the ideas of fostering fairness in AI are also a common need. They also emphasise practical steps: transparency, stakeholder inclusivity, constant monitoring, and redress mechanisms. Ethical AI, as mentioned in the UNESCO report, needs to have multi-stakeholder and adaptable governance, whereby different views (including those of marginalised communities) influence the AI systems. This inclusion ethic echo is like the constitutional ethos of social justice in India.[71]

VI. GAPS IN THE CURRENT LITERATURE

Algorithm bias continues to be an underdeveloped area in Indian legal scholarship, despite the increasing awareness. Notable gaps include:

A. Absence of Empirical Legal Analysis

Few law journals consider real cases of AI bias in India. Current Indian research work is likely to be general policy reports or corporate disclosure. We identified nearly no detailed legal articles in which such aspects of caste

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[68] L. Floridi, *The Global Turn Toward Human-Rights-Centric AI Regulation*, 45 Int'l & Comp. L. Rev. 221, 229–33 (2024.

[69] OECD, *OECD Principles on Artificial Intelligence*, OECD (2019).
Available on https://oecd.ai/en/ai-principles accessed on 20 November 2025 at 15:59.

[70] Paula Boddington, *Global Ethical Standards for Artificial Intelligence: Soft Law and Shared Values*, 38 Tech. & Soc'y J. 101, 108–12 (2023).

[71] G20 Japan, *G20 Ministerial Statement on Trade and Digital Economy*, Available on https://g20.org accessed on 20 November 2025 at 15:59.

or religion-based prejudices in Indian AI systems are surveyed[72]. In comparison, there is strong AI fairness work on civil rights impacts, GDPR[73] compliance in the U.S. and EU. Indian academia has not succeeded in doing that. The paper is significant because it aims to bring together scattered information, policy papers, news reports, and global comparisons to form a single legal argument.[74]

B. Narrow Constitutional Debate

According to Divij Joshi, in India, the constitutional challenge of algorithmic classifications has hardly been addressed at all[75]. Other than the occasional references to it in some of the administration law literature, there is no body of Indian case law or doctrine concerning algorithmic discrimination. In our study, policy briefs and blogs (e.g. CLPR, SFLC) were the only sources that brought the issue to the fore. We are trying to close this gap by implementing the constitutional principles (Articles 14/15/21) in the algorithms and suggesting how the courts may apply the equality rights in an age of AI.[76]

C. Scant Focus on Marginalisation:

Ethical discourse frequently involves gender discrimination or privacy, but in rare instances, has explored the fault lines that are peculiar to India[77]. Such questions as How does algorithmic bias influence reservation policies? What about intersectional caste-gender discrimination in AI? It is not studied as extensively as possible. We will address the gap by making it clear that algorithmic fairness is relevant to social justice law in India[78].

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[72] Solon Barocas & Moritz Hardt, *Fairness in Machine Learning*, 113 PROC. NAT'L ACAD. SCI. 729, 733–38 (2020).
[73] Sandra Wachter, *Normative Challenges of AI and GDPR*, 36 COMP. L. REV. 111, 118–25 (2021).
[74] R. Sundararajan, *Mapping AI Bias in India: The Need for a Consolidated Legal Framework*, 9 Tech. & Soc'y L.J. 102, 108–12 (2023).
[75] Divij Joshi, *The Constitutional Problem of Algorithmic Decision-Making in India*, 14 J. Indian L. & Tech. 1, 3–6 (2022).
[76] Anirudh Burman, *AI and the Indian Constitution: Extending Equality to Automated Systems*, 11 NAT'L L. U. Delhi L. Rev. 77, 85–92 (2024).
[77] Supreetha G., *Caste, Gender, and the Algorithm: Intersectional Harms in Indian AI Systems*, 13 Soc. Just. & Tech. L.J. 91, 94–100 (2024).
[78] M. Sabharwal, *Algorithmic Fairness as Social Justice: Implications for India's Equality Framework*, 47 J. Indian Pub. POL'Y 55, 60–66 (2023).

D. Scattered Legal vs. Ethical Discourse:

The vast majority of Indian AI coverage is either technical/ethical or an extremely high-level discussion of privacy rights, free speech.[79] Little interdisciplinary effort is present, holding together legal necessities and technological response. The paper will attempt to combine legal analysis with the global ethical discourse of AI, demonstrating how the legal regime of India can reflect the ethical principles of AI.[80] It is through filling these gaps that we hope to provide groundwork for further scholarship. As an illustration, we emphasise the role that Data Protection Officers, as they have been conceived in DPDP, can play in the role of quasi-regulators of algorithmic fairness - a concept that has not been discussed in the Indian literature yet.[81] We also suggest the comparative angles, e.g. to adapt the EU risk categories to the Indian public services, that future researchers may elaborate on.[82]

E. Counter-Arguments and Answer.

Critics may say that the problem of algorithmic bias is intractable or second-order, or that it will be corrected by market forces[83]. We address a few such points:Algorithms are created as neutral mechanisms, which are mirrors and not refractors of reality. The supporters of this position observe that human beings are biased, and AI can merely enhance biases. This is true in a way; AI tends to reflect the social injustices of society. However, in the event of skewness in data, neutrality is a myth[84]. As has been mentioned, when the training data is a poor representation of certain castes or genders, the AI

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[79] According to Ministry of Electronics & Information Tech., Gov't of India, *Responsible AI for All: Operationalizing Principles for Responsible AI* (2021).

[80] Rahul Matthan, Artificial Intelligence and the Constitution, *The Mint* (Mar. 28, 2018).

[81] Vidushi Marda & Shivangi Narayan, *Data Protection in India and Algorithmic Accountability*, ARTICLE 19 (2021).

[82] See Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 Laying Down Harmonized Rules on Artificial Intelligence (AI Act), arts. 6–9, 2024 O.J. (L 168) 1.

[83] Ryan Calo, Artificial Intelligence Policy: A Primer and Roadmap, 51 *U.C. Davis L. Rev.* 399, 415–18 (2017).

[84] Andrew D. Selbst & Solon Barocas, The Intuitive Appeal of Explainable Machines, 87 *Fordham L. Rev.* 1085, 1093–97 (2018).

model will inevitably fail to represent the real-life population.[85] Practically, this is to say that AI is not a matter of fair treatment. In addition, the AI decisions can be opaque and scalable, unlike those made by humans.[86] The bias is the ignorance of accepting the bias as the way things are. Harmful prejudices in AI may remain unchecked without legal or policy interference in the shroud of objectivity.[87]

Our observation is that we should work on improved data and algorithms, and not on new legislation. Other technologists argue that the problem of bias can be resolved through better data sampling or algorithmic fairness methods.[88] Of course, the solution lies in the improved design of AI. However, it is risky to use only voluntary fixes. Firms will not be motivated to audit and be biased unless forced to do so.

The biases may be subtle, even under the best intentions, e.g. proxy variables that are related to characteristics that are being protected, and must be overseen. Accountability laws, such as the audit requirement by DPDP, are not substitutes for technical work; they are an addition to it to enhance accountability.[89] To conclude, both data-driven and legal solutions are required: technology to reduce bias, and law to enforce those reductions and make them consistent.[90]

The regulation will kill innovation. It is believed that onerous regulations, such as requirements to explain or audit, might scare off AI startups or give an advantage to large companies. Such a warning is legitimate; however, it should be weighed against rights. In addition, properly designed rules may avert innovation by establishing confidence.[91] Take GDPR as an example,

[85] Reuben Binns, Fairness in Machine Learning: Lessons from Political Philosophy, 4 *Phil. & Tech.* 681 (2018).
[86] Danielle Keats Citron & Frank Pasquale, The Scored Society: Due Process for Automated Predictions, 89 *Wash. L. Rev.* 1, 12–15 (2014).
[87] Solon Barocas & Andrew D. Selbst, Big Data's Disparate Impact, 104 *Calif. L. Rev.* 671 (2016).
[88] Suresh Venkatasubramanian & John Dickerson, *Algorithmic Fairness: Choices, Assumptions, and Definitions* 1–4 (2022).
[89] Digital Personal Data Protection Act, No. 22 of 2023, §§ 8–10 (India).
[90] Danielle Citron, Technological Due Process, 85 *Wash. U. L. Rev.* 1249, 1280–88 (2008).
[91] Cary Coglianese & David Lehr, Regulating by Robot: Administrative Decision Making in the Machine-Learning Era, 105 *Geo. L.J.* 1147, 1200–03 (2017).

although it was obligatory, it provided the consumer with confidence, and this opened markets to the compliant companies.[92] In the same way, developers can be advised by clarity on AI norms, as the EU Act or DPDP do. The AI policy ethos of India, one such principle is called Innovation over Restraint, though, that might imply a light-touch approach, but as we analyse the policy, it has several elements missing in the idea of restraint fairness that still need resolution as manifestations of restraint.[93] The policymakers need to involve industry in the standards drafting, although they may not disregard the social cost of unchecked AI.

Privacy and fairness may be antagonistic. Others say that the need to have algorithmic transparency or audits of sensitive data may conflict with privacy rights or IP. In fact, it is possible to have trade-offs, e.g. complete explainability may expose business secrets. Ethical AI systems do approve of the proper transparency, however. Impact assessment and supervision can be obliged by law without necessarily making proprietary code.[94]

As a case in point, the DPDP Act of India permits the examination of algorithms confidentially by the authorities. The trick is to establish the systems of governance that safeguard individual rights, equal treatment, privacy, due process, but also enable innovation to thrive. According to the existing technology and legal literature, there are numerous options to achieve this balance e.g. independent auditing bodies.[95] Overall, counterarguments should not make us forget that we need pragmatic and multi-stakeholder solutions. But none justifies inaction. The point is that the unfair AI results could not be entrusted to luck. The State in a constitutional democracy has a positive responsibility in avoiding discrimination. Such

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[92] Paul De Hert & Vagelis Papakonstantinou, The New General Data Protection Regulation: Still a Sound System for the Protection of Individuals? 32 *Comput. L. & Security Rev.* 179, 181–84 (2016).

[93] See Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 Laying Down Harmonized Rules on Artificial Intelligence (EU AI Act, 2024).

[94] Andrew D. Selbst, The Intuitive Appeal of Explainability and Its Limits, 87 *Fordham L. Rev.* 1085, 1105–08 (2018).

[95] Reuben Binns, Fairness in Machine Learning: Lessons from Political Philosophy, 4 *Phil. & Tech.* 681, 690–93 (2018).

discriminative algorithms with either intentional or unintentional discrimination should be subject to legal scrutiny to honour their responsibility.[96]

F. Comparative and Constitutional Perspectives:

To deepen the analysis, a comparative examination of bias mitigation under India's DPDP framework and the EU AI Act is instructive. Comparative Table: Bias Mitigation – India (DPDP) vs EU AI Act[97]

Aspect	India – DPDP Framework	EU – AI Act Framework
Regulatory Nature	Principle-based, data protection-oriented	Risk-based, AI-specific regulation
Scope	Focus on personal data processing	Covers AI systems across risk categories
Bias Mitigation	Indirect, through fairness and data accuracy obligations	Direct, with mandatory safeguards for high-risk AI
Risk Classification	Absent	Clearly defined categories
Transparency	General obligations	Specific disclosure and explainability requirements
Accountability	Data Protection Board of India	National and EU-level supervisory authorities
Enforcement	Emerging framework	Strong penalties and compliance mechanisms
Algorithmic Audits	Not expressly mandated	Mandatory for high-risk systems
Fundamental Rights	Implicit protection	Explicit integration

This comparison reveals that India's current framework addresses algorithmic bias indirectly through data governance principles. In contrast,

the EU adopts a more direct and enforceable model grounded in risk classification and regulatory obligations.

G. AI Development in 2026

India has, over the last few years, developed a more structured approach to data protection and AI governance, even though it is still largely enforcement-based. Data Protection Board of India (DPBI) has been operationalised after the notification of the DPDP Rules, 2025, and it is a digital adjudicatory body, which is empowered to respond to complaints, data breaches and non-compliance.[98] Meanwhile, the entire body of compliance requirements under the Rules is being implemented in phases, and some of the requirements go further than 2026[99]. On 31 March 2026, the DPBI has not reported any final decisions or significant enforcement measures, so the current stage is to a large extent one of institutionalisation and initial compliance, and not complete regulatory maturity.[100]

On the policy level, the Ministry of Electronics and Information Technology (MeitY) has defined its post-DPDP strategy in India AI Governance Guidelines (2025-2026).[101] The recommendations are for safe, reliable, human-centred, inclusive AI systems, which are associated with larger-scale efforts like the India AI Mission and the India AI Impact Summit 2026.[102] Nonetheless, they remain soft-law tools in place of legislative measures that could be compared to the EU AI Act.[103]

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[96] Solon Barocas & Andrew D. Selbst, Big Data's Disparate Impact, 104 *Calif. L. Rev.* 671, 678–84 (2016).

[97] Regulation (EU) 2024/1689 of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act).

[98] Digital Personal Data Protection Rules 2025 (India); Data Protection Board of India (established under the Act).

[99] Digital Personal Data Protection Rules 2025 (India).

[100] Ministry of Electronics and Information Technology (MeitY), Government of India, implementation updates and public domain information (2025–2026).

[101] Ministry of Electronics and Information Technology (MeitY), Government of India, *India AI Governance Guidelines* (2025–2026).

[102] ibid; Ministry of Electronics and Information Technology, *IndiaAI Mission* (Government of India); India AI Impact Summit 2026 (New Delhi).

[103] Regulation (EU) 2024/1689 of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act).

Considering the article by AI and Algorithmic Bias: Legal and Ethical Imperatives, the regulatory framework of India is currently more governance-oriented and more ethically-oriented towards AI. Nevertheless, it does not have a specific and binding legal framework that would deal with algorithmic bias. As a result, the issue of bias is not explicitly handled with a statutory scheme on AI, but indirectly via privacy laws and consent, fiduciary duties, platform policies and non-binding ethical codes.[104]

VII. TOWARDS FAIR AND RESPONSIBLE ARTIFICIAL INTELLIGENCE

Based on the foregoing, we suggest some guiding principles for India:

A. Embed Constitutional Equality into AI Law

Indian judges and politicians must explicitly apply the equality guarantees to automated decisions. As an example, Article 14's reasonable classification doctrine[105] may be redefined to ensure that algorithmic classifications are logically connected with a legitimate state interest and not random or discriminatory.[106] Should AI systems be deployed in government services e.g. public housing allocation, the courts may require that the system not discriminate against the guarded groups. On the legislative level, legislators could change the IT Act or establish an AI Act to incorporate non-discrimination provisions.

B. Empower Data Protection by Alphanumeric Rules of Fairness

The new audit requirements in the DPDP Act are encouraging yet constrained[107]. They may be extended: e.g., Significant Data Fiduciaries may be forced to release aggregate measures of bias of their AI tools, making the information transparent without disclosing data. An AI advisory council

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[104] Digital Personal Data Protection Act 2023 (India); Digital Personal Data Protection Rules 2025 (India).
[105] *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248, 283–85.
[106] *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1, 268–72.
[107] Section 10 and 11 of The Digital Personal Data Protection Act, No. 22 of 2023 (India).

should be included in the Data Protection Board when it is constituted. The public interest should allow judging the algorithms by the algorithms themselves, by civil society and independent experts. Such measures would implement the fairness requirement of the DPDP and provide some teeth to such ethical standards as those of UNESCO.[108]

C. Institutional Oversight

India can create a specific statutory body to regulate AI, certify high-risk AI applications, and respond to grievances on discriminatory or dangerous algorithms. Since the DPDP Rules, 2025, were announced on November 14, 2025.[109]The Data Protection Board of India (DPBI)[110] has officially been established and can assume a central role in the regulation of AI practices concerning the personal data, transparency, and accountability. Regulators across various sectors should also provide regulations of algorithmic fairness and explainability in their field, including the RBI[111], IRDAI[112] and TRAI[113]. The RBI has already warned against unfair lending, and this is an indication that in the future, credit-scoring algorithms will undergo frequent testing on bias and accuracy.

D. Procedural Safeguards

When AI interferes with the rights of individuals, impacted individuals must have an option. This can be a legal right to explain to challenge adverse automated decisions or human review of critical outcomes[114]. Procedural due

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[108] Vidushi Marda, *Artificial Intelligence Policy in India: A Framework for Engaging the Limits of Data-Driven Decision-Making*, 16 *Indian J. L. & Tech.* 1, 18–26 (2020).

[109] Ministry of Electronics & Information Technology, Notification of the Digital Personal Data Protection Rules, 2025, *Gazette of India*, Nov. 14, 2025.

[110] DPBI: the Central Government may, by notification, appoint, there shall be established, for the purposes of this Act, a Board to be called the Data Protection Board of India under Section 18 of the Digital Personal Data Protection Act, 2023.

[111] Reserve Bank of India, Fair Lending Practice Guidelines (*Circular No. RBI/2023-24/XX*).

[112] Insurance Regulatory & Development Authority of India, IRDAI (Protection of Policyholders' Interests) Regulations, 2022.

[113] Telecom Regulatory Authority of India, Regulatory Framework for Artificial Intelligence in Digital Communication, Consultation Paper (2024).

[114] Danielle Keats Citron, *Technological Due Process*, 85 *Wash. U. L. Rev.* 1249, 1255–69 (2008).

process is an established principle of law, though some scholars argue that a right to explanation is not as effective as it could be. Making sure that the citizens have a way of challenging or appealing AI-driven decisions through courts or tribunals would be consistent with the promise of due process under Article 21[115].

VIII. MULTICULTURAL DESIGN AND EDUCATION ON ETHICS

The government agencies and companies that implement AI need to be trained on the issue of bias and ethics[116]. Based on the NITI ethos of the People First ethos, the industry guidelines must demand diverse development teams and frequent bias audits. The procurement regulations may give preference to the vendors who have shown dedication to fairness[117]. The integration of AI ethics within professional education law, tech, and management will allow the creation of an accountability culture in the long term.

AI legislation is already on the agenda of the Indian Parliament. The AI Employees Act is nothing; however, it is too limited to workplaces. An enlarged Indian Artificial Intelligence Act may establish more general principles according to DPDP[118] and UNESCO[119] that cut across the sectors. This Act might establish obligations of AI developers, e.g. non-discrimination, non-harm, come up with norms of liability of AI-related harms and coordinate regulators. Importantly, such an Act must be consulted and debated by the legislature, and this represents the voice of the plural Indian society.

These recommendations are consistent with the theme of altered dimensions, technology is re-inventing society, and legal and ethical demands should be upheld so that nothing of constitutional rights can be

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[115] *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1, 268–72.
[116] Udbhav Tiwari & Sarayu Natarajan, *Algorithmic Bias and the Law in India*, *Vidhi Centre for Legal Policy* (2020).
[117] NITI Aayog, *National Strategy for Artificial Intelligence* 34–40 (2018).
[118] The Digital Personal Data Protection Act, No. 22 of 2023 (India).
[119] UNESCO, *Recommendation on the Ethics of Artificial Intelligence* (2021).

eroded by technological development.[120] Like environmental or labour laws were created to adapt to industrial transformations, new standards of the AI era are required. India needs to have a vision of *Viksit Bharat* (developed India) that is inclusive at the ethical front. The State has one legal obligation to safeguard rights, and nothing stops the new technology.[121] The implementation of the above measures would be a positive indication that efficiency is not more important than equity.

IX. CONCLUSION

The blistering growth of the artificial intelligence has changed the law, the government, and the overall life radically, and the issue of the algorithmic bias cannot be overlooked. An analysis of the concepts of constitutional theory, the DPDP framework, the EU AI act, the UNESCO ethics principles, and the policy changes in India prove that the problem of algorithmic bias is not a technical one but a legal responsibility and ethical obligation. It occurs when automated systems generate systematically discriminatory or unfair results, and is often expressive of underlying social inequalities, and can be disastrous given their potential far-reaching consequences when not regulated.

In that respect, the legal systems need to be changed together with the technological change. Old forms of protection of equality are now to be understood in the context of automated decision-making, where specific regulatory responses are necessary to respond to hidden and structural discrimination. Meanwhile, the governance should be led by ethical values of fairness, accountability, transparency, and human dignity, which are promoted in international and national policy frameworks. Combating the problem of algorithmic bias is thus an interdisciplinary task between lawmakers, judicial systems, regulators and developers of technologies.

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[120] *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.
[121] NITI Aayog, *National Strategy for Artificial Intelligence* 3–7 (2018).

The comparative study shows that India has been moving towards data governance and ethical AI discussion systems. Nevertheless, its present structure considers the problem of algorithmic bias indirectly, mostly by the principles of data protection. Contrarily, the EU AI Act is more direct, risk-based, and enforceable. Constitutionally, this is a wide gap especially on articles 14 and 21 since equality now demands a substantive and impact-based evaluation and particularly in cases where AI systems could strengthen the prevailing inequalities.

In 2026, institutional advancements have occurred, such as the establishment of the Data Protection Board of India and the launching of the India AI Governance Guidelines, but this is both at an initial phase or in the spectrum of the soft law. In this regard, the next step in the regulatory direction of India should be a complex and binding AI-specific law. This framework should include a risk gradation, regular auditing, algorithm responsibility, and overt anti-discrimination measures, so that the technological progress will not lose the governmental principles of equity, openness, and equality.