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ARTIFICIAL INTELLIGENCE IN INDIA: GOVERNANCE ACCOUNTABILITY AND LEGAL REGULATIONS

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ABSTRACT

Imagine a farmer receiving timely advice on irrigation through an AI-powered application, a patient in a remote village getting an early diagnosis with the help of AI, or a judge using AI tools to quickly locate relevant precedents from thousands of case files. These examples show how Artificial Intelligence (AI) is quietly becoming a part of everyday governance in India. While it has the potential to improve efficiency, accuracy, and access to public services, it also raises important legal and ethical concerns that cannot be ignored.

India has made significant progress in adopting AI across sectors such as healthcare, agriculture, education, public administration, and the judiciary. However, the increasing use of AI has also brought challenges including algorithmic bias, privacy violations, deepfakes, copyright disputes, lack of transparency, and uncertainty regarding liability for AI-generated decisions. At present, India relies on a combination of the Digital Personal Data Protection Act, 2023, the Information Technology Act, 2000, and sector-specific policy guidelines to govern AI. Although these measures address certain aspects of AI regulation, they do not provide a comprehensive legal framework to ensure accountability, explainability, safety, and effective remedies for individuals affected by AI systems.

This paper examines both the opportunities and the legal challenges associated with AI-driven governance in India. It also compares India's existing regulatory approach with the models adopted by the European Union and the United States to identify gaps in the present framework. The paper argues that policy guidelines and voluntary compliance alone are not sufficient to regulate high-risk AI applications. It therefore recommends the enactment of a dedicated Artificial Intelligence (Regulation and Governance) Act and the establishment of an

independent Artificial Intelligence Governance Board of India (AIGBI) to encourage innovation while protecting the constitutional guarantees of equality, freedom, and privacy under Articles 14, 19, and 21 of the Constitution of India.

1.INTRODUCTION

A few years ago, most people saw Artificial Intelligence (AI) as something that belonged only in science fiction or big technology companies. Today, that is no longer true. When the Supreme Court started using SUVAS to translate legal documents and SUPACE to help judges organise case files, it became clear that AI had started finding a place in India's governance system. Farmers now receive AI-based weather and crop advice, doctors use AI to detect diseases at an early stage, and many government departments are using AI to improve public services. These examples show that AI is slowly becoming a part of our everyday lives.

Recognising its growing importance, the Government of India has launched initiatives such as NITI Aayog's National Strategy for Artificial Intelligence (#AIforAll) and the IndiaAI Mission. These initiatives encourage the use of AI in sectors like agriculture, healthcare, education, smart mobility and public administration.

If used carefully, AI can make governance faster, improve decision-making and help deliver public services in a more efficient way.

At the same time, the rapid use of AI also raises serious legal and constitutional questions. Most AI systems work through complex machine learning models that often function as "black boxes." This means even the people using these systems may not fully understand how a particular decision has been made. Imagine a person being denied a welfare benefit because an AI system wrongly marked them as ineligible, or an innocent citizen being identified by a facial recognition system due to faulty data. Such situations can lead to discrimination, invade privacy and affect the fundamental rights guaranteed under the Constitution.

India's legal system is still trying to keep pace with these technological developments. Instead of having a dedicated AI law, the country currently depends on legislations such as the Digital Personal Data Protection Act, 2023, the Information Technology Act, 2000, and policy documents like the IndiaAI Governance Guidelines (2025).

Although these laws provide some level of regulation, they do not create a complete legal framework to deal with issues such as algorithmic accountability, transparency, liability or

explainability. As AI becomes more common in governance, these gaps are becoming harder to ignore.

This paper looks at the role of AI in governance from a legal and constitutional perspective. It discusses the opportunities created by AI, examines the challenges that come with its increasing use, and analyses whether the existing legal framework is enough to regulate AI effectively. It also suggests reforms that can help India build a balanced legal system that supports innovation while protecting constitutional values and citizens' rights.

2. RESEARCH METHODOLOGY

This study follows a qualitative and doctrinal research method to examine the legal and constitutional issues surrounding the use of Artificial Intelligence (AI) in governance. Since AI regulation is still developing in India, the research mainly relies on the analysis of existing laws, judicial decisions, government reports and policy documents.

The study makes use of primary sources such as the Constitution of India, the Information Technology Act, 2000, the Digital Personal Data Protection Act, 2023, the Copyright Act, 1957, the Bharatiya Nyaya Sanhita, 2023, and relevant judgments of the Supreme Court and various High Courts. It also refers to secondary sources, including reports published by NITI Aayog, MeitY, parliamentary committee reports, books, journal articles and other academic literature to understand the evolving legal position on AI.

To gain a broader perspective, the paper also adopts a comparative approach. India's existing regulatory framework has been compared with the European Union AI Act, 2024 and the United States' executive order-based approach. This comparison helps identify the strengths and weaknesses of India's present legal framework and highlights areas where reforms may be required.

The analysis is carried out through the lens of the Indian Constitution, with particular focus on Articles 14, 19 and

21. It examines whether the increasing use of AI in governance is consistent with the principles of equality, freedom of speech, privacy and due process. The findings of this research are based entirely on publicly available legal and policy materials, making the study doctrinal in nature.

3. LEGAL ANALYSIS

3.1 Opportunities of AI in Governance and Public Service Delivery

Artificial Intelligence has the potential to improve the way governments function and deliver

public services. If used responsibly, it can make governance faster, more transparent and citizen-friendly. In a country like India, where a large population depends on government services, AI can help improve efficiency while reducing delays and human errors.

A. Better Public Service Delivery

AI is increasingly being used along with India's Digital Public Infrastructure (DPI) to improve the delivery of welfare schemes. It helps verify beneficiaries, detect duplicate records and reduce leakages in schemes such as the Public Distribution System (PDS) and MGNREGA. As a result, benefits can reach eligible citizens more quickly and efficiently.

B. Strengthening the Judiciary

The Indian judiciary continues to face a huge backlog of pending cases. AI-based tools like SUPACE assist judges by organising case materials and identifying relevant information, while SUVAS helps translate legal documents into different Indian languages. Although these tools do not replace judicial decision-making, they support judges in managing cases more effectively and improving access to justice.

C. Healthcare and Agriculture

AI is also creating new opportunities in healthcare and agriculture. In the healthcare sector, AI-powered diagnostic systems can help doctors identify diseases at an early stage, especially in rural areas where specialist doctors are limited. In agriculture, AI assists farmers by providing weather forecasts, crop health analysis and soil-related advice, helping them make better farming decisions and reduce losses.

Overall, AI has the capacity to make governance more efficient, inclusive and responsive. However, these benefits can be fully realised only when its use is supported by adequate legal safeguards and effective regulatory oversight.

3.2 Legal, Constitutional and Ethical

Challenges

While AI has the potential to improve governance, its increasing use also raises several legal, constitutional and ethical concerns. Since AI systems are now being used to assist in important decisions affecting citizens, the absence of a proper legal framework can have serious consequences.

A. Constitutional Concerns: Articles 14 and 21

One of the biggest concerns is the possibility of algorithmic bias. AI systems learn from the data on which they are trained. If that data contains historical or social bias, the AI system may repeat the same unfair practices. Imagine a deserving family being denied benefits under a welfare scheme because an AI system wrongly classified them as ineligible, or a job

applicant being rejected simply because the algorithm favoured a particular profile. Such decisions can result in discrimination and violate Article 14 of the Constitution, which guarantees equality before the law.

The Supreme Court, in *E.P. Royappa v. State of Tamil Nadu* and later in *Maneka Gandhi v. Union of India*, made it clear that every action of the State must be fair, reasonable and free from arbitrariness. If an AI system makes decisions without giving reasons or without any human review, it may fail to meet these constitutional standards and also undermine the principles of natural justice.

Privacy is another major issue. In the landmark case of *K.S. Puttaswamy v. Union of India*, the Supreme Court recognised privacy as a fundamental right under Article 21. Today, AI-powered facial recognition, predictive surveillance and large-scale data collection are becoming more common. While these technologies may improve security, they also create a risk of excessive surveillance and misuse of personal information if they are not supported by adequate legal safeguards.

B. Deepfakes and Intermediary Liability

The rapid growth of generative AI has made it easier to create highly realistic fake videos, images and audio recordings, commonly known as deepfakes. A fake video of a political leader during an election or a manipulated image of an ordinary citizen can spread misinformation within minutes and seriously damage reputations. Although the Information Technology Act, 2000 provides safe-harbour protection to intermediaries that follow due diligence, generative AI platforms do much more than simply host content—they actively generate it. This raises an important legal question: who should be held responsible when AI-generated content causes harm?

C. Liability for AI-Caused Harm

Another challenge is fixing legal responsibility when an autonomous AI system causes damage. For example, if an AI-based medical tool gives an incorrect diagnosis or an autonomous vehicle causes an accident, it becomes difficult to identify who should be held liable. Should responsibility lie with the software developer, the company that deployed the AI, the service provider or the end user? Existing criminal and civil laws were designed for human actions, making it difficult to apply them to autonomous AI systems.

D. Copyright and Intellectual Property Issues

AI has also created new challenges in the field of intellectual property. Under the Copyright Act, 1957, copyright protection is generally available to works created by human authors. This raises an important question about whether

content generated entirely by AI can receive copyright protection. Another concern is that many AI models are trained using books, articles, music and artworks available on the internet without the permission of the original creators. As AI technology continues to evolve, India's copyright laws will also need to evolve to strike a fair balance between technological innovation and the rights of creators.

3.3 Analysis of the Existing Indian Legal Framework

India has made significant progress in adopting AI across different sectors, but its legal framework has not evolved at the same pace. At present, there is no single legislation that specifically regulates Artificial Intelligence. Instead, AI governance is spread across different laws and policy documents, each dealing with only a small part of the issue. This fragmented approach often creates uncertainty for both citizens and organisations.

The Digital Personal Data Protection Act, 2023 is the primary law governing the processing of personal data. It lays down important obligations regarding consent, data protection and the responsibilities of data fiduciaries. However, the Act mainly focuses on personal data and does not adequately address issues such as algorithmic bias, automated decision-making, explainability or the safety of AI systems. As AI models increasingly rely on both personal and non-personal data, these gaps become more visible.

The Information Technology Act, 2000, together with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, provides a legal framework for cyber offences, data security and intermediary liability. While these laws remain relevant in the digital age, they were enacted long before the rapid development of generative AI. As a result, they do not clearly address challenges relating to deepfakes, autonomous AI systems or liability for AI-generated content.

India has also issued the IndiaAI Governance Guidelines and NITI Aayog's Responsible AI documents to promote ethical and responsible use of AI. These initiatives provide useful principles such as fairness, transparency, accountability and privacy. However, they are advisory in nature and do not have the force of law. In the absence of statutory backing, compliance largely depends on voluntary adoption rather than legal obligation.

Another concern is the absence of a single regulatory authority to oversee AI governance. Different sectors, such as banking, healthcare and digital services, are regulated by different authorities, resulting in varying standards and regulatory overlap. This fragmented framework makes it difficult to ensure a consistent approach towards high-risk AI applications across the country.

Overall, India's present legal framework provides an important starting point, but it is not

sufficient to address the complex legal and constitutional issues arising from modern AI systems. As AI continues to play a larger role in governance and public administration, there is a growing need for a comprehensive legal framework that ensures accountability, transparency and effective protection of citizens' rights.

4. FINDINGS

Based on the analysis of the existing legal framework and recent developments in AI governance, the study makes the following observations:

Inadequate regulation of high-risk AI systems

India's present approach largely depends on policy guidelines and voluntary compliance. While this encourages innovation, it offers limited legal protection when AI systems used in areas such as healthcare, policing or public welfare make incorrect or unfair decisions. Citizens often have no clear legal remedy when such systems cause harm.

Constitutional safeguards are not fully addressed

AI is increasingly being used in public administration, including welfare distribution, surveillance and judicial assistance. However, there are no clear legal standards requiring transparency, human oversight or independent review of AI-based decisions. This may affect the principles of equality, fairness and natural justice guaranteed by the Constitution.

Existing data protection laws have a limited scope

The Digital Personal Data Protection Act, 2023 mainly regulates the processing of personal data. Modern AI systems, however, learn from vast amounts of both personal and non-personal data and often generate new inferences. Because of this, the present legal framework does not fully address issues such as algorithmic bias, explainability or AI accountability.

Fragmented regulation creates uncertainty

Different sectors currently follow different regulatory standards for AI. For example, banking, healthcare and digital platforms are governed by separate authorities and guidelines. This lack of uniformity can lead to inconsistent regulation and make enforcement more difficult. A coordinated national approach would provide greater clarity for both developers and users of

AI technologies.

Overall, the findings indicate that although India has taken important steps towards responsible AI governance, the current legal framework remains fragmented and is not fully

prepared to deal with the challenges posed by advanced AI systems. A dedicated legal and institutional mechanism would help bridge these gaps while ensuring that innovation develops within constitutional limits.

5.SUGGESTIONS

To make AI both innovative and accountable, India needs a legal framework that encourages technological development without compromising constitutional values. Based on the findings of this study, the following measures may be considered.

Enact a Dedicated AI Law

India should consider enacting a separate Artificial Intelligence (Regulation and Governance) Act instead of relying only on scattered laws and policy guidelines. A dedicated law would clearly define the rights, responsibilities and liabilities of all stakeholders involved in the development and use of AI. It would also provide greater legal certainty for both citizens and businesses.

A risk-based approach may be adopted while regulating AI systems. Applications involving mass biometric surveillance, social scoring or cognitive manipulation should be prohibited because they pose an unacceptable risk to fundamental rights. AI systems used in healthcare, law enforcement, public welfare, finance and judicial administration should be subject to strict audits, regular monitoring and mandatory human oversight. Low-risk applications such as chatbots or AI-based customer support may be regulated through transparency and disclosure requirements rather than heavy restrictions.

Establish an Independent Regulatory Authority

A dedicated law should also establish an Artificial Intelligence Governance Board of India (AIGBI) as an independent regulatory body. The Board could issue technical standards, supervise compliance, certify high-risk AI systems and conduct periodic audits. It may also create an Algorithmic Grievance Redressal Cell, allowing citizens to challenge unfair or biased AI-based decisions. Such an institution would improve public confidence and ensure better accountability.

Promote Privacy and Ethics by Design

Ethical principles should be incorporated at the design stage rather than after an AI system is deployed. Organisations developing or using high-risk AI should conduct an Algorithmic Impact Assessment (AIA) before deployment to identify possible risks such as discrimination, privacy violations and security concerns. Wherever AI affects an individual's rights, a human-in-the-loop mechanism should be maintained so that important decisions are not left entirely to automated systems.

Strengthen Copyright Laws

India's copyright laws also need to evolve with AI. The Copyright Act, 1957 may be amended to clarify the legal status of AI-generated works and AI-assisted creations. A balanced framework for text and data mining can support academic research while ensuring that authors and copyright holders receive fair protection when their works are used for commercial AI training. Such reforms would encourage innovation without overlooking the rights of creators.

Overall, these reforms can help India build a legal framework that supports responsible AI development while protecting constitutional rights, public trust and democratic values.

6. CONCLUSION

Artificial Intelligence has the potential to transform the way governance is carried out in India. From improving healthcare and agriculture to assisting the judiciary and strengthening public service delivery, AI can make government systems more efficient, transparent and accessible. At the same time, its growing use also brings serious legal and constitutional challenges that cannot be overlooked.

The study finds that India's present legal framework is still developing and is not fully equipped to regulate the complex issues arising from AI. Existing laws such as the Digital Personal Data Protection Act, 2023 and the Information Technology Act, 2000 address certain aspects of digital governance, but they do not provide a complete legal framework for issues like algorithmic accountability, transparency, liability or protection against AI-driven discrimination. Relying only on policy guidelines may not be enough as AI becomes more deeply integrated into governance.

Moving forward, India needs a balanced approach that supports innovation while protecting the constitutional rights of its citizens. A dedicated Artificial Intelligence (Regulation and Governance) Act, supported by an independent regulatory body like the Artificial Intelligence

Governance Board of India (AIGBI), can provide much-needed clarity and accountability. Equally important is ensuring that AI systems remain transparent, subject to human oversight and consistent with the principles of equality, fairness and privacy.

Technology should serve people, not replace the values on which a democratic society is built. If AI is developed and regulated responsibly, it can become a powerful tool for inclusive growth, efficient governance and stronger public trust. The real challenge is not whether India should adopt AI, but how it can ensure that innovation progresses without compromising justice, accountability and the rights guaranteed by the Constitution.

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