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## LEGAL ASPECTS OF ARTIFICIAL INTELLIGENCE IN INDIA

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### **Introduction**

Artificial Intelligence, commonly known as AI, is no longer a distant technological idea. It is already being used in online shopping, banking, healthcare, education, digital payments, recruitment, customer service, policing tools, and social media platforms. In simple terms, AI refers to computer systems that can perform tasks which normally require human intelligence, such as learning, analysing information, identifying patterns, and making predictions. In India, AI has created new possibilities for innovation and development, but it has also raised serious legal concerns. The most important questions are related to privacy, accountability, data protection, discrimination, intellectual property, cybercrime, and ethical use.

India does not yet have one separate law only for artificial intelligence. Instead, AI is presently governed through different existing laws such as constitutional law, information technology law, data protection law, consumer protection law, criminal law, and intellectual property law. Therefore, the legal regulation of AI in India is still developing.

### **AI and Constitutional Rights**

The use of AI must be examined in light of the Constitution of India. Article 14 guarantees equality before law and equal protection of laws. If an AI system is trained on biased data, it may produce unfair results. For example, an algorithm used in recruitment, loan approval, or public service delivery may indirectly discriminate against a particular group of people. Such use of AI may raise concerns under Article 14.

Article 21 is also very important because it protects life and personal liberty. The Supreme Court, in Justice K.S. Puttaswamy v. Union of India, recognised privacy as a fundamental right under Article 21. This judgment is directly relevant to AI because most AI systems require large amounts of personal data. If facial recognition, surveillance tools, or predictive systems

are used without proper safeguards, they may interfere with the privacy and dignity of individuals.

### Data Protection and Privacy Concerns

Data is the foundation of artificial intelligence. AI systems learn from large datasets and improve their performance through repeated processing of information. This creates a major legal issue because personal data may be collected, stored, analysed, and shared without proper consent.

The Digital Personal Data Protection Act, 2023 is an important step in India's data protection framework. The Act recognises both the right of individuals to protect their personal data and the need to process such data for lawful purposes. Although the Act does not specifically regulate AI, it affects AI-based companies and platforms that process digital personal data.

AI tools used for targeted advertising, credit scoring, health diagnosis, and online profiling may deeply affect individuals. Therefore, transparency and informed consent are necessary. Users should know how their data is being used and whether automated systems are making decisions about them.

### Liability and Accountability

One of the biggest legal challenges of AI is deciding who should be held responsible when harm is caused. If an AI-based medical tool gives a wrong suggestion, or an autonomous vehicle causes an accident, responsibility may be difficult to fix. The fault may lie with the developer, manufacturer, service provider, data trainer, or user.

Indian law currently does not have a special liability framework for AI. Existing principles of negligence, product liability, and consumer protection may be used. The Consumer Protection Act, 2019 can help consumers where defective goods or deficient services cause harm. However, AI creates complex situations because the system may act in an unpredictable manner. For this reason, India may need clearer rules on liability, risk assessment, and accountability for AI developers and companies.

### Intellectual Property Issues

AI has also created new challenges in intellectual property law. AI tools can now generate text, images, music, software code, and designs. This raises the question of who owns AI-generated work. Under Indian copyright law, authorship is generally connected with human creativity.

Since AI is not recognised as a legal person, it cannot easily be treated as an author or owner of copyright.

Another issue is the training of AI models. Many AI systems are trained using existing books, articles, images, songs, and online materials. If copyrighted material is used without permission, it may lead to infringement disputes. Therefore, Indian intellectual property law will have to gradually adapt to AI-generated content and AI-assisted inventions.

### **Cybercrime, Deepfakes and Misinformation**

AI can be useful for detecting cyber threats, but it can also be misused for cybercrimes. Deepfake videos, fake voices, AI-generated fraud messages, and automated phishing attacks are becoming serious concerns. Deepfakes can damage reputation, spread misinformation, and even affect elections or public order.

The Information Technology Act, 2000 deals with several cyber offences, including unauthorised access, identity theft, and electronic fraud. However, AI-based crimes are becoming more sophisticated. The Government of India has also taken measures regarding deepfake threats and online safety. This shows that AI misuse is now not only a technological problem but also a legal and social concern.

### **Government Policy on AI**

The Government of India has recognised the importance of AI for development. NITI Aayog's National Strategy for Artificial Intelligence promoted the idea of "AI for All" and identified areas such as healthcare, agriculture, education, smart mobility, and smart cities. More recently, the IndiaAI Mission has been introduced to strengthen India's AI ecosystem and promote responsible AI development.

These initiatives show that India wants to encourage innovation while also ensuring ethical use. However, policy documents alone are not enough. India requires a clear legal framework that deals with data protection, algorithmic bias, transparency, safety, and accountability.

### **Conclusion**

Artificial Intelligence has the power to transform India's economy and governance. It can improve public services, support businesses, and solve social problems. At the same time, it may threaten privacy, equality, intellectual property rights, and cyber security if used

irresponsibly. India is presently regulating AI through existing laws, but these laws are not sufficient to address every AI-related challenge.

The need of the hour is a balanced legal approach. Regulation should not stop innovation, but it must protect citizens from misuse. India must develop AI laws and policies based on transparency, accountability, fairness, privacy, and human dignity. Responsible AI governance will ensure that technology serves society instead of harming it.

### **Footnotes**

- 2 Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.
- 3 The Digital Personal Data Protection Act, 2023, No. 22, Acts of Parliament, 2023 (India).
- 4 The Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India).
- 5 Consumer Protection Act, 2019, No. 35, Acts of Parliament, 2019 (India).

