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AI AND THE LAW: EMERGING LEGAL CHALLENGES IN INDIA

- *Mudit Vikaram Singh*

INTRODUCTION

Once mostly theories and code, AI now shapes many routine moments. Machines create art, handle choices, scan faces - such tools grow more common in Indian cities and homes. Instead of only automating tasks, they help predict behavior or find answers fast in law books. These shifts bring clearer paychecks and smarter services, yet move faster than guidelines can follow. Questions emerge about who sees your data, whose ideas get stolen, where blame belongs when mistakes happen, fairness in decisions made without human eyes, even boundaries set by law. Regulation is not the real debate - rather, the puzzle: guiding tech without stifling creativity born in labs and workshops across India.

THE EVOLVING INDIAN REGULATORY FRAMEWORK

India presently does not have an unmarried complete statute completely governing synthetic intelligence. Rather, AI-related sports are regulated a mixture of current rules, judicial decisions, sector-specific guidelines and coverage projects. The statistics technology Act, 2000 (“IT Act”), the digital Personal Data Protection Act, 2023 (“DPDP Act”), the Copyright Act, 1957, and constitutional protections below Articles 14, 19 and 21 collectively offer an important felony framework for addressing AI-related dangers¹.

NITI Aayog's accountable AI for All framework has also recognized ideas consisting of protection and reliability, equality, inclusivity and non-discrimination, privateness and safety, transparency, duty, and safety of human values².

¹Information Technology Act, 2000, §§ 43A, 72, 72A, 79 (India), INDIA CODE, <https://www.indiacode.nic.in/handle/123456789/1999>.

² NITI Aayog, *Responsible AI for All: Approach Document for India*, at 37–41 (2021), NITI AAYOG, <https://www.niti.gov.in/sites/default/files/2021-02/Responsible-AI-22022021.pdf>

Although those principles do no longer represent a complete AI statute, they display India's motion in the direction of a hazard-touchy and rights-orientated technique to AI governance.

PRIVACY AND PROTECTION OF PERSONAL DATA

One of the maximum huge legal demanding situations posed by using AI is the gathering and processing of personal information. AI systems require tremendous portions of records for training, checking out and improving their performance. Such facts may additionally encompass names, pix, biometric information, communications, surfing behavior and different non-public facts. The Supreme Court's decision in *Justice K.S. Puttaswamy (Retd.) v. Union of India*³ recognised privacy as a fundamental right protected under Article 21 of Constitution. The court in addition held that regulations upon privacy must fulfill requirements of legality, valid country motive and proportionality⁴. The DPDP Act, 2023 tries to create a statutory framework for virtual private records. It establishes responsibilities for statistics Fiduciaries and affords individuals with rights regarding their private information, inclusive of rights of access, correction and erasure⁵. The Act additionally consists of unique protections concerning children's statistics, inclusive of regulations on monitoring, behavioral monitoring and targeted marketing directed at kids⁶.

The issue, however, is that AI models May also manner massive datasets and function across jurisdictions. Determining what facts changed into used to teach a version, whether appropriate consent became obtained, and who bears obligation for unlawful processing may be specifically hard.

COPYRIGHT AND AI-GENERATED CONTENT

Copyright is another foremost location of uncertainty. Generative AI structures may be skilled on enormous portions of books, articles, pix, art work and different copyrighted material. This increases two separate questions: whether copyrighted works can lawfully be used for education AI fashions and whether or not AI-generated outputs infringe present copyright.

³ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1 (India), INDIAN KANOON, <https://indiankanoon.org/doc/91938676/>

⁴ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1, 310–13 (India), INDIAN KANOON, <https://indiankanoon.org/doc/127517806/>

⁵ Digital Personal Data Protection Act, 2023, sec 4–15 (India), INDIA CODE, <https://www.indiacode.nic.in/bitstream/123456789/22037/2/a2023-22.pdf>

⁶ Id. sec 9

Sections 13 and 14 of the Copyright Act, 1957 set up copyright safety and the exclusive rights of copyright owners, whilst phase 52 offers distinctive exceptions to infringement.⁷ However, these provisions have been drafted long before current generative AI structures existed.

The problem has already reached the Indian courts. In *ANI Media Pvt. Ltd. v. OpenAI OpCo LLC*, the Delhi High court considered questions concerning the usage of copyrighted information fabric in education and running big language fashions. The judgment illustrates the problem of applying a 1957 copyright framework to fashionable AI generation⁸.

The case demonstrates that Indian copyright law might also require further explanation concerning AI training datasets, reproduction, truthful dealing, licensing and the criminal repute of AI-generated outputs.

ALGORITHMIC BIAS AND DISCRIMINATION

AI systems are not always neutral. If an algorithm is skilled the use of incomplete or historically biased datasets, it may reproduce or maybe enlarge current discrimination. This creates serious concerns when AI is used for employment, lending, insurance, schooling, and policing or get right of entry to public offerings.

Article 14 of the constitution guarantees equality earlier than the regulation and identical safety of the legal guidelines. Consequently, automated decision-making that produces discriminatory results can also improve constitutional worries, specifically wherein government authorities depend upon AI.

The trouble is intensified by the “black-box” nature of a few AI structures. People may receive a destructive choice without understanding why the set of rules reached that conclusion. NITI Aayog has therefore emphasized transparency, accountability, equality and non-discrimination as essential concepts for accountable AI.⁹

⁷ Copyright Act, 1957, §§ 13, 14, 52 (India), INDIA CODE, <https://www.indiacode.nic.in/bitstream/123456789/1367/5/a1957-14.pdf>

⁸ *ANI Media Pvt. Ltd. v. OpenAI OpCo LLC*, CS(COMM) 1028/2024, at 60–61, 86–107 (Delhi High Ct. July 24, 2026), INDIAN KANOON, <https://indiankanoon.org/doc/93327052/>. The judgment specifically addresses copyright issues arising from the use of copyrighted material in AI training and AI-generated responses.

⁹ NITI Aayog, *Responsible AI for All: Approach Document for India*, at 37–41 (2021), NITI AAYOG, <https://www.niti.gov.in/sites/default/files/2021-02/Responsible-AI-22022021.pdf>

DEEPPAKES, PERSONALITY RIGHTS AND MISINFORMATION

Generative AI has additionally made it easier to create realistic artificial snap shots, voices and motion pictures. Deepfakes can be used to impersonate people, lie to the public and damage reputations.

Indian courts have increasingly more relied upon current personality, exposure, and privacy and intellectual-assets standards to address such harms. As an instance, the Delhi excessive court docket has granted safety towards unauthorized AI-generated representations related to a person's name, photo, voice and likeness.¹⁰ These developments imply that persona rights may additionally emerge as a more and more essential legal device for managing AI-generated impersonation.

ACCOUNTABILITY AND LIABILITY

Possibly the maximum fundamental question is: who's legally responsible while AI causes harm? The developer, deployer, person, platform or statistics issuer may each have special levels of involvement. The IT Act already consists of provisions regarding reimbursement for failure to defend records and intermediary liability, among different matters.¹¹ But, those provisions had been not designed mainly for stylish generative AI structures. Future rules may additionally therefore want to undertake a threat-based totally framework distinguishing between low-danger and excessive-hazard AI packages.

THE WAY AHEAD

India's technique to AI law should stability technological innovation with constitutional values and person rights. An inflexible regulatory framework may want to discourage innovation, at the same time as an absence of powerful safeguards ought to undermine privacy, equality and public consider.

A comprehensive method have to consist of transparent AI structures, meaningful human oversight, facts-protection safeguards, mechanisms for auditing excessive-risk systems, clean allocation of legal responsibility and effective treatments for people. Quarter-precise law may

¹⁰ *Sonakshi Sinha v. Character Technologies Inc.*, CS(COMM) 275/2026, Order (Delhi High Ct. Mar. 20, 2026), INDIAN KANOON, <https://indiankanoon.org/>; *Yuvraj Singh v. Ashok Kumar*, CS(COMM) 796/2026, Order (Delhi High Ct. July 29, 2026), INDIAN KANOON, <https://indiankanoon.org>

¹¹ Information Technology Act, 2000, §§ 43A, 72A, 79 (India), INDIA CODE, <https://www.indiacode.nic.in/handle/123456789/15442>.

also be most popular wherein AI presents exceptional dangers in healthcare, finance, training, employment and crook justice.

AI law in India is therefore probable to develop incrementally via regulation, judicial interpretation and regulatory exercise. The goal ought to now not be to prevent technological progress, however to make sure that technological progress remains constant with the rule of thumb of law.

The emergence of AI gives India with a possibility to develop a regulatory version that promotes innovation even as protecting fundamental rights. As AI becomes an increasing number of embedded in social, commercial and governmental selection-making, the success of India's AI governance framework will in the end rely upon whether or not it could maintain an appropriate balance among innovation, accountability and character liberty.