

ARTIFICIAL INTELLIGENCE AND THE FUTURE OF HUMAN DIGNITY UNDER ARTICLE 21

- Divya Chauhan¹

When a Machine Starts Deciding Who Matters

Think about your last morning. You checked your phone, maybe applied for something online, maybe walked past a CCTV camera without even noticing it. Somewhere in that ordinary routine, a piece of software may have already made a decision about you, whether you get a loan, whether your face gets flagged at a metro gate, even which patient a hospital's software nudges toward the next available bed. This isn't science fiction anymore. It's just Tuesday. Artificial intelligence has quietly slipped into courtrooms, banks, hospitals and welfare offices across India, and in doing so, it has walked straight into territory that Article 21 of our Constitution was built to guard: the right to life and personal liberty, which our courts have long read as including something harder to pin down, the right to live with dignity.

So here's the question this piece tries to answer: what happens to that dignity when the decision-maker is no longer a person you can look in the eye, but a line of code you can't even see? This isn't an argument against AI. It's an argument that we've already been handed the tools to deal with it, sitting right there in *Maneka Gandhi v. Union of India*² and *Justice K.S. Puttaswamy v. Union of India*³. We just haven't turned those tools into working law yet, and the longer we wait, the wider the gap grows between what the Constitution promises and what actually happens to an ordinary citizen standing in front of a screen.

Dignity: The Quiet Word Hiding Inside Article 21

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² *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

³ *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

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Read Article 21 on its own and it sounds almost plain: no person shall be deprived of life or personal liberty except according to procedure established by law.⁴ For years, courts took that line at face value. If Parliament passed a law, however harsh, and followed the correct paperwork, that was that. Then came *Maneka Gandhi*⁵, and everything shifted. The Court said a procedure isn't good enough just because it exists on paper, it has to be fair, just and reasonable. That one sentence turned Article 21 from a technicality into something with teeth.

Dignity crept into this picture slowly, case by case, until it became less a specific right and more the reason all the other rights exist. By the time *Puttaswamy*⁶ arrived in 2017, recognising privacy as part of Article 21, dignity had become the thread running through bodily autonomy, control over one's own data, freedom from humiliating treatment, the whole basket. The judges were blunt about it: privacy protects your ability to be the author of your own story. Hold that thought, because it's exactly what gets threatened when a machine starts writing that story for you.

Here's the tricky part. Dignity isn't a number you can measure or a box you can tick. It behaves more like a compass than a rulebook, it points you in the right direction without spelling out every step. Courts have leaned on it to strike down arbitrary state action, to protect prisoners and sex workers and manual scavengers, to insist that even the poorest person in the country keeps a core of respect that no policy can bargain away. AI is now testing that compass in terrain it was never built for, because the harm it causes is often invisible until it's already happened to you.

AI Wears Two Faces, and Only One of Them Smiles

Let's be fair to the technology first. AI has genuinely opened doors that used to stay shut. A diagnostic tool can screen for diabetic eye disease in a village clinic that has never had an eye specialist. A translation model can turn a government form into a language someone actually reads, instead of forcing them to pay a tout who “helps” for a fee. These aren't small wins. They're the kind of quiet, unglamorous progress that changes whether a person gets treated in time or gets left behind.

⁴The Constitution of India, Art. 21.

⁵*Supra* note 1.

⁶*Supra* note 2.

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But flip the coin. The same pattern-spotting power that reads an eye scan can also reject your loan application, and here's where it gets uncomfortable, without telling you why. A doctor who misses something on an X-ray can be questioned, dragged into a malpractice hearing if needed, made to explain the reasoning out loud. Ask an algorithm the same question and, often, nobody can answer, not even the engineers who built it. This is the famous “black box” problem, and it isn't just a technical headache. Article 21's demand for fair procedure has always implied a right to know why something happened to you, and a chance to push back.⁷ A system that can't explain itself simply can't meet that bar, no matter how accurate it claims to be.

Picture a bank loan officer sitting across the table. Say no to the loan, and you can ask why, point out what he missed, maybe appeal to someone above him. Now replace him with a credit-scoring algorithm. The rejection lands in your inbox with no real explanation, maybe your pin code looked “risky” on paper, maybe a pattern in your spending resembled fraud statistically even though it wasn't fraud at all. You've lost something real, not your life in the biological sense, but a shot at the kind of economic footing that makes a dignified life possible, and you lost it without anything close to the fair procedure *Maneka Gandhi* promised you.

The Watchman Who Never Blinks, Never Forgets

If there's one place where AI and Article 21 collide head-on, it's surveillance. Facial recognition cameras now sit at railway stations, hover over protest sites, and increasingly form part of everyday policing across Indian states. The justification is almost always the same, safety, crime prevention, things nobody wants to argue against on principle. The problem isn't the goal. It's that there's barely any comprehensive law telling us how these systems get deployed, how long the footage stays, who gets to look at it, or what a wrongly flagged person is supposed to do about it.

Puttaswamy⁸ gave us a three-part test for exactly this situation: is there a law authorising the intrusion, does it serve a real state purpose, and is it the least invasive way to achieve that purpose. Most of India's current AI surveillance setup struggles to clear even the first hurdle, since it usually runs on executive orders or municipal contracts rather than a proper statute.

⁷*Supra* note 1.

⁸*Supra* note 2.

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Without a dedicated law spelling out retention periods and independent oversight, these systems sit in a kind of constitutional twilight zone, tolerated mostly because nobody has stopped them yet, not because anyone has actually justified them.

Think of the old-fashioned chowkidar on a street corner. He recognises familiar faces, sure, but he's human, he forgets most of what he sees, and he has no way to check a face against records from another city. A facial recognition network doesn't have that mercy built in. It doesn't forget, and it doesn't stay local. Stitch enough of it together and you get a map of someone's entire life, where they went, who they met, which protest they stood at. That's precisely what the Court flagged as dangerous⁹, because scattered, harmless bits of public life turn into one comprehensive profile, and a profile like that has a chilling effect on things as basic as showing up to a protest.

Predictive policing adds another layer of trouble. Feed a model old arrest data, data that already reflects decades of uneven, sometimes biased policing, and ask it to predict where crime will happen next, and you get a feedback loop. The neighbourhood that got over-policed in the past shows more arrests, the algorithm reads that as higher risk, more policing follows, and the cycle tightens. Other countries have already documented this pattern, so pretending it can't happen here would be naive. The damage here isn't a single dramatic incident, it's quieter than that: whole communities start getting treated as suspects by default, not citizens who deserve service.

Same Tailor, Wrong Measurements

Article 21 doesn't stand alone. Article 14's promise of equality before the law¹⁰ backs it up, and AI has a habit of chipping away at both at once. Bias in a machine learning model rarely needs a villain behind the keyboard. It usually just needs old, lopsided data, data that carries forward decades of exclusion, plus a handful of proxy variables that quietly stand in for caste, religion or gender even when nobody typed those words into the code.

Here's an analogy that sticks. Imagine a tailor who has only ever measured customers of one body type. Hand him someone with a completely different frame and his instincts, built entirely on past experience, will let him down, not out of malice, just out of a narrow sample size. A model trained mostly on data from urban, English-speaking, formally banked citizens

⁹*Id.*

¹⁰The Constitution of India, Art. 14.

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will misfit rural, non-literate or informally employed populations in exactly the same way, and those happen to be the very groups whose grip on dignity through welfare schemes is already the shakiest.

You can see this play out with Aadhaar-linked welfare. Manual labour wears down fingerprints. Age changes the iris. When biometric authentication fails for reasons like these, real people, often elderly, often working-class, have been denied rations or pensions they were entitled to. There's a bitter irony here: a system built partly to stop corruption and target welfare better has, in documented cases, turned into a gatekeeper that locks out exactly the people it was meant to protect. Losing a food ration isn't some abstract, symbolic harm. It strikes at the material floor that Article 21 jurisprudence, ever since *Olga Tellis v. Bombay Municipal Corporation*¹¹, has treated as inseparable from the right to life itself.

When the Machine Wants Your Job Too

*Olga Tellis*¹² is also where the Court recognised that the right to life stretches to include the right to a livelihood, and that's the piece AI complicates next. Automation is already eating into routine cognitive and manual work, factory floors, customer service desks, even entry-level legal and accounting jobs that used to be someone's first step up the ladder. Economists still argue about the long-run employment numbers, and this piece won't pretend to settle that fight. What's harder to dispute is how unevenly the pain lands, hitting hardest on workers who have the least room to retrain or relocate.

There's a homegrown analogy for this too. Think about the shift from hand-pulled rickshaws to auto-rickshaws in Indian cities over the past few decades. Passengers gained comfort, and over time many drivers gained better livelihoods, but the transition wasn't painless, and older workers who couldn't adapt paid a real price along the way. AI-driven automation is running that same transition at a speed no earlier generation had to face, compressing a decade's worth of change into a couple of years. Treat this purely as an economic footnote, and you miss the point, Article 21's livelihood jurisprudence puts a real obligation on the state to cushion these transitions, through retraining, social security, or a more deliberate pace of automation in sensitive sectors.

¹¹*Olga Tellis v. Bombay Municipal Corporation*, 1985 (3) SCC 545.

¹²*Supra* note 10.

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Laws Running to Catch a Bullet Train

India still has no dedicated law for artificial intelligence. What we have instead is a patchwork, the Information Technology Act¹³, sector-specific guidelines from the Reserve Bank of India and the Securities and Exchange Board of India, and the newer Digital Personal Data Protection Act.¹⁴ That 2023 law is real progress, it brings in consent requirements and a Data Protection Board, but algorithmic decision-making was never its main target, so it says very little about explainability, algorithmic audits, or a citizen's right to contest an automated decision, the kind of protection already built into the European Union's General Data Protection Regulation.¹⁵

Courts have started nibbling at these questions from the side. Challenges to Aadhaar's mandatory linkage with welfare, and to facial recognition rollouts by certain state police forces, have leaned on the reasoning from *Puttaswamy*¹⁶, but nothing resembling a full judicial framework for algorithmic accountability has come out of the Supreme Court yet. That's not really the judiciary's fault, courts can only rule on cases someone actually brings, and challenging an opaque AI system is genuinely hard, the very opacity that causes the harm also buries the evidence needed to prove it. Someone denied a loan by an algorithm rarely gets to see the model's internal logic, which creates an evidentiary gap even wider than the one litigants faced challenging administrative decisions before *Maneka Gandhi*¹⁷ forced fair procedure into the picture.

Teaching AI to Explain Itself Before We Trust It

A few ideas follow naturally from all this, drawn from Article 21's own case law rather than borrowed wholesale from somewhere else, though looking abroad still helps. First, any AI system that touches a citizen's access to welfare, credit, employment or liberty should have to explain itself, proportionate to what's at stake. A small personal loan doesn't need the same rigour as a bail decision, but every such system should be able to name the main factors behind its call, that's the bare minimum *Maneka Gandhi* asks for.

¹³The Information Technology Act, 2000 (Act No. 21 of 2000).

¹⁴The Digital Personal Data Protection Act, 2023 (Act No. 22 of 2023).

¹⁵Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (General Data Protection Regulation).

¹⁶*Supra* note 2.

¹⁷*Supra* note 1.

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Second, the legality, necessity and proportionality test from *Puttaswamy*¹⁸ deserves to be written into an actual statute governing surveillance tools, facial recognition included, rather than left for courts to reconstruct case by case. No citizen should have to fight their way to the Supreme Court just to find out whether a municipal camera keeps footage for thirty days or three years.

Third, borrow a page from financial audits, require AI systems used in high-stakes public functions to be tested periodically for disparate impact across caste, religion, gender and region, with the results shared with an independent regulator. That shifts the burden of catching bias away from individual citizens, who are structurally disadvantaged in ever proving it, and onto institutions actually built to spot the pattern.

Finally, any serious push toward automation in sectors that employ a lot of people needs to come bundled with support, retraining programmes, safety nets, a deliberate pace, in line with the livelihood reasoning that traces back to *Olga Tellis*¹⁹. Otherwise the right to life quietly becomes a right that only the already well-equipped get to enjoy.

Dignity in the Age of the Algorithm

Article 21 has stretched a long way since 1950, from a narrow procedural line into the constitutional home for privacy, livelihood, health and a life lived with dignity. Artificial intelligence is now the toughest test that elasticity has faced, not because the technology is out to get anyone, but because it operates at a scale, with a lack of transparency, and often with no real path to individual redress, that cuts against nearly everything decades of Article 21 case law have built. None of this means treating AI as the enemy. It means accepting that dignity, in an algorithmic age, isn't protected by grand declarations anymore, it's protected by small, concrete, enforceable things: the right to know why a decision was made, the right to challenge it, and the assurance that the systems now running daily life have been built, and checked, with the same seriousness the Constitution has always demanded from any exercise of power over a citizen's life and liberty.

¹⁸*Supra* note 2.

¹⁹*Supra* note 10.

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