



Research Paper

AI and Society: Legal Liability and Societal Impacts of Artificial Intelligence

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Abstract

AI is no longer an invention in a laboratory, nor a vision of the future; it has invaded our job searches, diagnosis of disease, determination of financial credit scores, social media moderation, and even our systems of governance and criminal enforcement. With AI at the heart of important life-altering decision-making processes, a critical question comes to mind: Who will take responsibility when things go awry? Our current legal systems and theories are all constructed on the assumption that there has to be someone in charge who can take responsibility for their actions, and yet our modern AI technologies have become complex enough that no person can fully comprehend, understand, or control them. In this paper, we will look at the problem of holding artificial intelligence liable under the law through the analysis of tort, products liability, and contractual law principles. We will also consider the impact that widespread AI will have on society.

Keywords: Artificial Intelligence, Legal Liability, Algorithmic Accountability, Surveillance, Societal Impact

Received 05 Aug., 2026; Revised 14 Aug., 2026; Accepted 16 Aug., 2026 © The author(s) 2026.

Published with open access at www.questjournals.org

I. Introduction

Each major technological innovation in the history of humanity has ultimately required that the social contract be revised. The steam engine required labour laws. The automobile required traffic rules and product liability law. The nuclear industry required a whole new system of state and international responsibility. In every single case, ultimately, the law responded—at a snail's pace, in a somewhat clumsy manner, but inevitably—to the potential for harm that lay in the technological breakthrough.

Artificial intelligence is the newest and the most complicated in this progression. The thing that makes AI different from other technologies is not only the fact that it operates faster or more widely than other innovations. What makes it different is the level to which an AI uses judgment-like actions, but not in fact uses any kind of judgment. Unlike previous forms of technology, an artificial intelligence does not only operate based on an order but predicts, classifies, and suggests things based on the information collected before. This kind of operation becomes possible due to training, not programming, meaning that it is hard to know what exactly an AI will do even for people who developed it. Thus, it causes new issues with legal responsibility since legal responsibility presupposes the capability to connect someone's actions with harmful results.

Still, the impact of AI goes way further than the question of personal liability or the consequences of the actions undertaken. The application of AI in the field of employment, loan granting, medicine, law enforcement, and politics makes a huge difference in people's lives because it defines who can receive the benefits of the system and who cannot.

Understanding Artificial Intelligence

Artificial Intelligence refers to computer systems capable of performing tasks that traditionally require human intelligence. These tasks include learning from experience, reasoning, decision-making, language understanding, image recognition, and problem-solving.

AI systems can broadly be categorized into:

A. Narrow AI

Designed to perform specific tasks such as facial recognition, virtual assistants, fraud detection, or medical diagnosis.

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Examples include:

- Siri
- Google Assistant
- ChatGPT
- Autonomous customer service chatbots

B. General AI

A hypothetical form of AI possessing human-like cognitive abilities across multiple domains. General AI remains under development.

C. Super Intelligence

An advanced theoretical concept in which AI surpasses human intelligence across all disciplines. While currently speculative, discussions surrounding super intelligence have influenced global AI ethics and governance debates.

Evolution of AI and Its Societal Integration

AI research began in the 1950s when John McCarthy coined the term "Artificial Intelligence." Early AI systems relied on symbolic reasoning and rule-based programming. Advances in computing power, cloud infrastructure, big data, and neural networks led to the rise of machine learning and deep learning.

Today AI powers:

- Smart cities
- Healthcare diagnostics
- Digital banking
- Autonomous transportation
- Precision agriculture
- Cybersecurity
- Criminal investigations
- Judicial research
- Online education
- Social media algorithms
- E-commerce recommendation systems

AI has become a foundational technology comparable to electricity or the internet, influencing every aspect of social and economic life.

The threat of AI bias

AI bias occurs when machine learning algorithms produce unfair or prejudiced results due to human biases encoded in the algorithms or training data. These flawed algorithms result in skewed outcomes that disproportionately impact specific groups or individuals based on race, gender, ethnicity, or socioeconomic status.

The potential consequences of AI bias are far-reaching, posing significant challenges and risks across various realms of society. Dr. Adnan Masood, UST's Chief AI Architect, comments on the severity of the issue, "The biggest challenge humanity faces from AI is the self-perpetuating bias at the heart of its algorithms...which can have devastating impacts on health, job opportunities, access to information, and even democracy."

- **Healthcare:** Biased algorithms in medical decision-making can disproportionately misdiagnose certain patient groups, leading to inequitable healthcare outcomes. Similarly, they can eternalize existing healthcare disparities by prioritizing patients from privileged backgrounds or neglecting the healthcare needs of the disadvantaged.
- **Employment:** AI bias can perpetuate inequalities in the labor market, affecting hiring, promotions, and performance evaluations. Biased algorithms in performance evaluation systems may penalize employees unfairly based on extraneous factors, contributing to workplace discrimination and inequality.
- **Access to information:** AI bias can hinder individuals' access to information in digital domains. Biases in recommendation systems or content curation platforms can restrict access to different viewpoints or amplify harmful stereotypes and misinformation — inhibiting people from making informed decisions and reinforcing the dissemination of existing biases.
- **Democracy:** AI bias can undermine democratic processes by influencing public discourse, decision-making, and political outcomes. Biased algorithms in voter registration or electoral systems may deprive certain voter groups or skew election results, damaging the integrity and fairness of democratic elections.

- Masood adds, "The potential for AI to deepen existing societal biases increases as AI technologies become more pervasive and integrated into businesses' core operational processes. Additionally, businesses face significant legal and reputational risks as biased algorithms can discriminate and harm individuals or groups.
- These issues underscore the pressing need for effective mechanisms, such as bias detection, adherence to robust ethical standards, and proactive regulatory oversight, to maintain corporate integrity and public trust.

AI and the challenge of authenticity

AI plays a pivotal role in marketing by leveraging data-driven insights and automation to enhance efficiency, effectiveness, and personalization across marketing functions, such as content creation, marketing automation, and customer communications.

As the influence of AI crosses nearly all marketing funnels, there's a mounting concern about its potential to replace genuine human interaction. Emphasizing the importance of maintaining authenticity, AI's potential is huge. But it lacks the one major element: the human touch. While AI can optimize engagement, it must not replace the human elements that foster genuine connections with consumers. AI can quickly generate content, but it's essential to maintain a balance where it supports rather than replaces human creativity.

Refrain from neglecting human connection in customer-facing roles like marketing, which can be detrimental, leading to a loss of trust and brand loyalty. In AI marketing, the biggest challenge will be balancing the efficiency gains from AI with the need for authentic human interaction.

AI in India: Current Legal Landscape

Globally, and in India as well, artificial intelligence (AI) is fast emerging as a key component of industrial and technological breakthroughs. India is establishing itself as a key participant in the global AI revolution thanks to its sizable population, vibrant economy, and expanding tech sector. Applications of AI in industries like healthcare, education, finance, agriculture, and transportation hold the potential to significantly increase efficiency and productivity. But even with AI's revolutionary potential, there are serious legal issues, particularly when it comes to responsibility, liability, and regulation. As AI technologies advance, this section explores the current legal environment in India, looking at the laws that are in place, their shortcomings, and new regulatory issues that must be resolved.

India's legal system, shaped by centuries of tradition and common law principles, was not designed with AI specific issues in mind. The legal framework governing technology in India remains largely rooted in traditional concepts and has not been sufficiently adapted to address the unique challenges that AI presents. As AI technologies continue to advance and permeate different sectors, the existing legal framework struggles to keep pace.

The Information Technology Act, 2000 (IT Act)

Common law principles and centuries of tradition shaped India's legal system, which was not created with AI-specific concerns in mind. India's technology laws are still mostly based on antiquated ideas and haven't been updated to adequately handle the particular difficulties that artificial intelligence poses. The current legal system finds it difficult to keep up with the rapid advancements in AI technologies and their penetration into various industries.

The IT Act as it currently exists is mostly concerned with digital signatures, online transactions, and safeguarding people from online crimes like as identity theft and hacking. The Act does not particularly address the more complicated and developing issues surrounding AI, such as the autonomous actions of AI systems, the liability for harm caused by these systems, or ethical concerns surrounding AI decision-making, even though these issues are indirectly related to AI in terms of data processing and digital transactions. Thus, it is evident that the current legal framework is insufficient as AI systems are increasingly incorporated into vital industries like healthcare and transportation.

Bharatiya Suraksha Sanhita (BNS)

The Bharatiya Suraksha Sanhita constitutes the foundation of criminal law in India. It includes a broad spectrum of criminal acts, encompassing negligence, intent, and criminal culpability. Nonetheless, the BNS possesses constraints on the regulation of AI and the allocation of legal responsibility for harm caused by AI.

Conventional notions like mens rea (guilty thought) and actus reus (guilty act) constitute the foundation for criminal culpability in the BNS. In instances where AI systems inflict harm—such as accidents with autonomous vehicles or financial detriment from AI trading algorithms—the BNS lacks explicit direction on the allocation of liability, especially when the detrimental actions arise from an autonomous system devoid of direct human involvement. Furthermore, AI systems, especially machine learning models, can develop and alter over

time due to new data inputs, complicating the prediction of their behaviors and the attribution of accountability for acts that may not have been anticipated during development.

For instance, if an autonomous car causes an accident, the mens rea concept becomes tough to apply. Traditional criminal law requires a human actor with intent or knowledge to commit an infraction, although in the case of an AI system, the "intent" is not generated from the human user or developer but from the machine's decision-making process. In the absence of legal acknowledgment of AI systems as autonomous beings, the law faces challenges in determining whether liability rests with the manufacturer, the developer, or the operator.

Intellectual Property Laws

Intellectual property (IP) regulations are crucial for the protection of innovations and inventions in the field of AI. In India, the Patent Act, 1970, controls the protection of inventions, particularly those that pertain to AI technologies. However, India's patent laws, which were formed long before the advent of AI, include certain prerequisites for patentability, including the necessity for a human inventor.

The patent system in India does not currently recognize AI systems as inventors or creators, even though AI systems might autonomously develop innovative designs, technologies, or solutions. This offers a dilemma in AI-related sectors where an AI system is responsible for the production of an innovation or algorithm, but no human inventor can be identified. Under the current rules, a patent application filed by an AI system can be denied if the inventors identified are not human, leaving a key point unresolved—who owns the rights to the intellectual property developed by AI?

Moreover, the issue of AI-driven inventions has important consequences for the patentability of software algorithms, a key component of many AI systems. India's patent law is reluctant to grant patents for algorithms unless they demonstrate a specific technological application. As AI-driven technologies and algorithms grow increasingly autonomous and capable of developing unique solutions, it may be important to reconsider the current paradigm for patenting AI-generated ideas.

Legal Liability and Artificial Intelligence

A. The Problem of Attribution

Liability under most legal regimes requires initial attribution – finding the individual or entity that chose to act in a way leading to the harm suffered by another party. Under tort laws, liability requires the determination of who failed to exercise reasonable care. Liability under criminal laws requires establishing the guilty mind of the perpetrator. Liability for products requires establishing which of several manufacturers made the product that injured another party. All of these frameworks presuppose that there is an identifiable link between the decision taken and the ensuing outcome.

The application of this concept under AI technology faces some disruptions in at least three areas. First, an AI system learns rather than programs in a way that the result obtained by the AI depends on the input received. This means that the developer of such a system did not consciously choose to commit a specific act that resulted in a certain harm but simply followed the data fed into the system.

Second, most artificial intelligence applications in various industries are adaptive—they keep learning even after being deployed, and therefore their behavior at the moment of committing damage might be very different from their behavior when they underwent the last human examination. This temporal aspect adds complexity to determining liability as the situation of the machine involved in damage might be different from any intentional design that could be assessed later on.

Finally, in many cases involving artificial intelligence there are multiple parties involved in a sequence, namely a provider of a foundational machine learning model, a firm that fine tunes or modifies that model, another firm which incorporates that fine-tuned model into its product and an eventual user. Liability in such situations becomes problematic as none of the parties involved can be unequivocally held liable for the damage done.

B. Tort Law's Inadequacy

The best way to address the liability issue in the case of damage to a victim caused by AI would be negligence. The plaintiff should establish that there existed a duty of care towards him or her, which the defendant failed to meet, and that this breach caused his or her suffering. When the harm is caused by some sort of failure or malfunction of a machine, such as a self-driving car, negligence law is applicable.

However, negligence law cannot be applied in situations where the harm is caused by an unforeseeable action on the part of the AI, where there is a long causal chain, or when there is diffuse harm, as opposed to specific harm suffered by a plaintiff. For example, if an AI algorithm used in credit scoring adversely affects large numbers of residents in certain areas depending on their zip code, thus discriminating against them based on their racial backgrounds, the harm experienced by one victim will be minimal, but still there will be great aggregate harm.

C. Product Liability

Another framework that might be considered here is that of product liability. In the context of the strict liability legal doctrine practiced in many jurisdictions, strict liability means that a producer is legally responsible for any harm suffered because of a defect of a product, independent of any negligence on his part. When translated to the realm of AI, the idea here is that manufacturers will become strictly liable for any harm suffered by their consumers due to the defects in their AI-based products.

On one hand, the beauty of such a principle lies in its straightforwardness – liability is placed with the party that can afford spending money on safety measures regardless of the cause of the defect. However, applying the concept to AI-based technologies raises definitional issues. Would the diagnostic AI software be regarded as defective if it accurately diagnosed 95% of patients, missing a potentially lethal illness in another patient? Such a determination would have much to do with what standard was promised to the user.

The recently adopted AI Liability Directive and Product Liability Directive of the European Union (2024), being the most advanced attempt yet to formulate a viable product liability approach in AI, make a rebuttable presumption of causation applicable in circumstances where the defendant has not complied with transparency requirements, thus alleviating the difficulties faced by the plaintiff when proving causation without access to the internal workings of the system causing harm. In India, there is no such scheme yet.

D. The Question of AI "Personhood"

An even more radical solution to the issue of attribution would be to give artificial intelligence the status of legal personhood, which means treating the AI as a legal person capable of bearing legal responsibilities and obligations like corporations, which are legal persons independent of their human shareholders.

While such proposals have gained the attention of academics, they have seen almost no traction within the realm of jurisprudence due to the serious limitations associated with making an entity that lacks basic human capabilities into a legal person. Specifically, for something to qualify as a legal person, it needs the capacity to be responsible for its actions. This, however, means that it needs to be able to bear costs, which implies a financial penalty or punishment of some sort. Since the present conception of AI is incapable of paying damages, responding to injunctions, or undergoing a sanction that influences future behavior, this approach appears doomed to become little more than another way to evade responsibility.

It would be better, instead, to pursue further clarification in terms of human accountability for harm inflicted by artificial intelligence.

Societal Impacts

A. Labour Displacement and Economic Inequality

The economic impact of AI, however, has received the most attention and, in a way, the most uncertainty among all social implications of AI. The argument is clear: AI replaces humans' tasks, lowering the need for labor in particular types of work. While previous automation was mostly done on routine physical work, today's AI technology can perform cognitive jobs such as data processing, writing, basic law, and medical reasoning, as well as customer service.¹⁰

There is controversy regarding the total economic effects of this technology among economists. On one side, there are those who believe that, as in the past, AI destroys some types of jobs but creates others, thus maintaining a balance and no reduction in employment. Others believe that the rate at which AI displaces workers exceeds the creation of new ones, especially for middle-skill workers.

What becomes clear is that there will certainly be distributive consequences. Any productivity benefits from AI will accrue mainly to individuals or companies who own AI systems or the capital infrastructure upon which they operate. The cost of displacing workers will come mainly for workers themselves, especially lower-skilled workers, workers located in places where the alternative labor market is not good, and workers engaged in jobs where automation through AI is now possible. In the absence of active government policy, AI poses a real risk of increasing inequality.

B. Privacy, Surveillance, and Civil Liberties

There is an increased potential for surveillance through advances made in the field of AI. The combination of facial recognition technology installed in public places, predictive policing software, social media surveillance mechanisms, and big data analysis capabilities has created the potential for observing people that has never existed before in any liberal society. In India, facial recognition technology used by the police forces at political rallies, religious events, and transportation hubs has increased tremendously in the last few years without the legal regulation of the use of such systems.

Such practices raise a number of concerns related to civil liberties since there is a known impact of the existence of surveillance on behavior – citizens who know that they are being watched alter their behavior as far as what they do, where they go, and with whom they communicate. Such a tendency is not theoretical but is a

well-established empirical pattern. Moreover, when a particular surveillance mechanism utilizes artificial intelligence, new issues appear – facial recognition technology was proved to be much less accurate for women and those who had dark skins.

Privacy is a basic right protected by the Constitution of India and has been confirmed as a fundamental right by the Supreme Court of India in the case of *K.S. Puttaswamy v. Union of India*. However, the implementation of such rights will need to be done through legislation, which is yet to be developed in India.

C. Algorithmic Discrimination

However, beyond mere monitoring, AI is now being used to make determinations that affect people's access to resources and opportunities, such as who gets loans, who makes it into shortlists, what insurance premiums individuals will have to pay, what content on social media is promoted, and which is suppressed. In cases where the algorithms reinforce or perpetuate existing patterns of discrimination, their effect is even more pronounced owing to the scale involved and the perceived objectivity of the machine-made decision.

The danger of algorithmic discrimination is that it remains largely hidden from view of its victims. Whereas people rejected by a human loan officer might still be able to question the reason behind it, and thereby ascertain if the rejection is discriminatory in nature or not, the same is not true in case of an opaque algorithm. There is no provision in law to demand a reason for a decision reached through automation process unless a specific legal right is provided.

Solutions to discrimination by algorithms cannot only be found in the application of anti-discrimination principles to algorithmic outputs. They also need transparency measures that enable the auditing of these systems, diversity within the team creating the algorithms, representative data used for training the algorithm, and the ability to detect discrimination through regulation.

D. Concentration of Power

Without doubt, one of the most structural aspects of AI's impact upon society would be the power that it centralizes. It takes substantial amounts of computation, massive proprietary databases, and rarefied technical skill to build cutting-edge AI models, and the necessary investments present quite a barrier to entry. Thus, AI development becomes the domain of a few select firms, many of which operate out of the US and China.

From India's perspective, such concentration poses issues of technological sovereignty. To use an outside AI framework for crucial processes—such as healthcare, financial, or governance-related operations—is tantamount to making decisions according to a logic designed and incentivized within another context, where different criteria have been set forth. Hence, building up local AI infrastructure can certainly be considered a valid strategy, although a time-consuming one.

In India, AI's focus within big tech firms and cities perpetuates and exacerbates the inequities already prevalent among urban versus rural, educated versus uneducated, connected versus disconnected communities. If an AI-based economy does not embrace inclusivity of the people at its margins, then not only is it more unjust but also more fragile.

Government Policies and Initiatives: Foundation for AI Governance in India

India, as a rapidly growing hub for technology and innovation, recognizes the importance of Artificial Intelligence (AI) in shaping the future of its economy and society. This section delves into the key government policies and initiatives that form the foundation for AI governance in India.

- **National Strategy for Artificial Intelligence (2018)**

In 2018, the Indian government, through NITI Aayog (National Institution for Transforming India), released the National Strategy for Artificial Intelligence: #AIforAll. The strategy was designed with the purpose of positioning India as a leader in AI innovation and to guarantee that AI benefits reach all sections of society. The strategy presents a vision for using AI for economic growth and public welfare by focusing on important sectors such as healthcare, agriculture, education, smart cities, and mobility. The primary purpose of the National AI Strategy is to make AI accessible to all areas of society, ensuring that its transformational potential is leveraged for inclusive growth.

- **Personal Data Protection Bill, 2019**

Data privacy and security are significant considerations when it comes to the adoption of AI, as AI systems rely primarily on vast volumes of personal data to function efficiently. The Personal Data Protection Bill, 2019 (PDPB), proposed in the Indian Parliament, aims to govern the handling of personal data and ensure that individuals' privacy rights are maintained. The law is a vital step toward developing a legal framework for AI governance, notably with regard to data collection, usage, and permission. The PDPB lays down guidelines for the collecting, processing, and storage of personal data by organizations. It dictates that consent be gained from individuals before their data is used, ensuring that personal data is not abused without individuals' knowledge or

consent. This is particularly essential for AI systems that rely on personal data to train machine learning models and make decisions.

The PDPB also introduces the concept of data localization, which requires certain kinds of sensitive personal data to be stored within India. This is aimed to increase data security and provide the Indian government with better oversight over the usage of personal data by both domestic and foreign organizations. The bill also established the Data Protection Authority of India (DPA), which will be responsible for regulating compliance with data protection regulations and handling grievances relating to data privacy infractions. While the PDPB is still under discussion, its provisions correspond with the regulatory needs for AI technologies, guaranteeing that AI systems are designed in compliance with data privacy regulations and are subject to accountability measures.

Ethical Challenges of AI

Algorithmic Bias

AI systems learn from historical datasets. If those datasets reflect societal prejudices, AI may reproduce or even amplify discrimination.

Examples include:

- Gender bias in hiring algorithms
- Racial bias in facial recognition
- Unequal access to credit scoring
- Biased predictive policing

Fairness requires careful dataset selection, continuous auditing, and human oversight.

Privacy

AI depends on massive volumes of personal data.

Privacy concerns include:

- Mass surveillance
- Facial recognition
- Behavioural profiling
- Biometric databases
- Data harvesting

The right to privacy requires transparent data collection, informed consent, and secure data processing.

Transparency

Many advanced AI models operate as "black boxes," making it difficult to explain how decisions are reached. Lack of explainability undermines public confidence, especially in healthcare, criminal justice, finance, and public administration.

Accountability

Who is responsible when AI causes harm?

Possible responsible actors include:

- Developers
- Manufacturers
- Software engineers
- Data providers
- Deploying organizations
- End users

Determining liability remains one of the most challenging questions in AI law.

II. Conclusion

The issues surrounding AI technology cannot be easily diagnosed as one problem or treated as one solution. They are intertwined concerns that will have to be tackled on multiple fronts: judicial and legislative, business and community, technical and academic.

What seems clear is that it is time for action now. Every passing month without establishing a liability system for AI-induced damage means that such damage takes place outside of any legal remedy. Every additional year during which AI-driven surveillance continues unchecked represents a steady erosion of individual rights. And every discriminatory hiring algorithm that works without accountability means it is free to discriminate without oversight.

Throughout history, law has been a tool used to control the dynamics between people and the powerful phenomena created by humans. Artificial intelligence represents a powerful phenomenon. The process of institutional creation that follows requires nothing less than the bare minimum necessary to ensure that artificial intelligence works for human society, and not vice versa.

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