

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.
All rights reserved.**

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

AI, DEMOCRACY, AND DISSENT: HUMAN RIGHTS AT RISK IN ALGORITHMIC SOCIAL MEDIA ECOSYSTEMS

AUTHORED BY - P. GIRI RAJU & DR. K. SARADA
KL College of Law, KLEF Deemed to be University, Vaddeswaram

ABSTRACT

Healthcare, education, security, and finance are just a few of the sectors that have benefited from the quick development and uptake of artificial intelligence (AI). But this technological revolution also brings up urgent human rights issues that need to be addressed right away. Data privacy, algorithmic discrimination, surveillance, freedom of expression, and labour market disruptions are some of the new concerns at the nexus of AI and human rights. Data privacy is one of the most critical challenges posed by AI technologies. AI systems often rely on large datasets, which may lead to unauthorized data collection, profiling, and breaches of personal information. Ensuring user consent and establishing stringent data protection measures is essential to safeguard privacy rights. Moreover, algorithmic discrimination, which occurs when AI systems produce biased outcomes, can exacerbate societal inequalities, particularly in areas such as hiring, healthcare, and criminal justice. Mitigating these biases requires transparency in algorithm design and the inclusion of diverse data sets. The freedom of assembly and the right to privacy are under risk due to the development of AI-powered surveillance technologies. Facial recognition and predictive analytics are being used by governments and businesses more frequently for monitoring, which could result in authoritarian tactics and unwarranted surveillance. To guarantee that AI applications uphold civil freedoms and advance democratic ideals, regulatory frameworks must be put in place. The freedom to knowledge and democratic discourse are further threatened by AI's role in creating deep fakes and misinformation, necessitating media literacy programs and ethical AI use. AI's effects on the labour market also pose serious human rights issues. Millions of workers could be displaced by routine task automation, worsening economic instability and social inequality. To safeguard the rights of impacted workers, governments and businesses must work together to provide social safety nets and reskilling initiatives. In this paperr, an attempt has been made by the author to analyse AI-driven healthcare and decision-making processes,

ethical issues which are especially due to informed consent and patient autonomy being entirely dependent on accountability and openness.

Key Words: Artificial Intelligence, Information Technology, Ministry of Electronics and Information Technology, Press Information Bureau, Telecom Regulatory Authority of India.

I-Introduction

Artificial Intelligence (AI) is now a disruptive force that is changing daily life,¹ societies, and industries. AI has the ability to boost productivity and improve decision-making processes, from automated systems in criminal justice to predictive algorithms in healthcare. But its quick spread has sparked urgent worries about how it can affect human rights. AI systems' effects on fundamental rights like privacy, equality, freedom of expression,² and accountability cannot be overlooked as they increasingly mediate access to information, public services, and economic opportunities.

There are hazards and opportunities at the nexus of AI and human rights. AI can, on the one hand, advance social good by expanding access to knowledge, healthcare, and education. However, prejudice can be sustained and public institutions' credibility undermined by algorithmic biases and the opaque nature of machine learning algorithms. Furthermore, the concentration of AI development in a small number of strong firms has an impact on individual liberties and democratic responsibility. The developing difficulties at the intersection of AI and human rights are examined in this study, with particular attention paid to data privacy, algorithmic discrimination, and the responsibility of judgments made by AI. The effectiveness of current ethical and legal frameworks in reducing these hazards will also be examined. AI is quickly surpassing conventional governance frameworks, necessitating the development of novel alternatives that respect justice and human dignity. By encouraging a cooperative and rights-based approach to AI development, we can guarantee that technology developments respect everyone's rights and are consistent with society ideals. This study emphasizes how urgently civic society, developers, and policymakers must collaborate to create a more just and moral AI future.

In order to investigate actual situations where AI has either strengthened or weakened human rights, case study analysis will also be carried out. These case studies will help contextualize new issues and provide insightful lessons. The efficacy of present rules in tackling AI-driven

¹ Gonzalez v. Google LLC; US Supreme Court),598 U.S. 617 (2023)

² People's Union for Civil Liberties (PUCL) v. Union of India (1997) 1 SCC 301

human rights challenges will be further evaluated through a comparative review of international legal and ethical frameworks. When possible, perspectives from expert interviews—such as those with AI engineers, legislators, and human rights advocates—may be included to further the study. Throughout the project, ethical guidelines will be followed to ensure neutrality, accuracy, and the respectful use of data from several sources.

Despite the research's goal of offering a thorough grasp of the subject, there may be some restrictions because AI technologies are developing quickly and there may be gaps in the body of knowledge. However, our technique aims to produce practical suggestions for developing a rights-based approach to AI development and governance, fostering an equitable and inclusive AI-driven future.

II-New Problems in the AI and Human Rights Intersection

Artificial intelligence (AI) is changing society in ways never seen before, but there are serious human rights issues with its quick uptake.³ These problems affect access to justice, employment, equality, freedom of speech, and privacy. Each emergent concern is thoroughly examined in the paragraphs that follow.

a) Discrimination and Algorithmic Bias

AI systems frequently produce discriminating results because they inherit biases from the training data. For example, depending on skewed historical data, recruitment algorithms may favour particular genders or educational levels.⁴ Financial algorithms employed by banks in India have demonstrated discrimination against particular groups when it comes to loan approval procedures. Furthermore, women and marginalized communities have shown higher error rates when using facial recognition algorithms. Developers must employ a variety of datasets and carry out frequent system audits in order to combat algorithmic bias. Promoting equity in AI applications requires clear ethical standards and legal frameworks.

b) Transparency and Accountability (Black Box Problem)

It is difficult to hold developers or organizations responsible for inaccurate or unjust results because AI decision-making systems are frequently opaque and lack

³ Article 21 of Indian Constitution-Right to Privacy (UDHR Art. 12), **Mass surveillance** through facial recognition, CCTVs, drone monitoring.

⁴ Internet Freedom Foundation v. State of Uttar Pradesh (2020); Writ Petition No. 44 of 2019 Challenge to predictive policing tools using AI for identifying “anti-CAA protestors”.

transparency. The "black box" aspect of AI systems is especially problematic in delicate fields like criminal justice and healthcare, since judgments made there could have profound effects on people's lives.⁵ In India, incidents of exclusion without recourse have resulted from the employment of opaque AI algorithms for public welfare distribution. Governments and business stakeholders must emphasize explainable AI (XAI) models and set up transparent accountability frameworks that guarantee decision-making processes are transparent in order to solve this.

c) Content Moderation and Freedom of Expression

Freedom of speech is greatly impacted by social media platforms' usage of AI-powered content control systems. These algorithms frequently have trouble differentiating between offensive content and acceptable speech, which results in either excessive censoring or the failure to eliminate offensive content. Concerns regarding politically driven censorship and unfair moderation decisions have been raised in India. Additionally, minority voices and activists have been disproportionately impacted by automation. Human oversight, grievance redressal procedures, and open moderation standards are necessary to ensure a just balance between content management and freedom of expression.

d) AI and Social Media

India's social media regulations have significantly changed the digital environment, with far-reaching effects.⁶ By adopting more stringent content monitoring, they have significantly impacted online freedom of expression and raised concerns about possible restrictions on free speech. Social media companies now have more accountability for user-generated content because to the introduction of intermediary liability. Users now have more control over their personal data thanks to increased emphasis on privacy and data protection. Although these actions aim to counteract false information and online harassment, there are worries that they may stifle free speech. Furthermore, increased surveillance and data localisation requirements have been brought about by national security concerns, which have an effect on social media firms as well as users.

Many aspects of online communication and governance in India have been permanently impacted by these legislative reforms. With the adoption of Intermediary

⁵ *State v. Loomis* (2016, Wisconsin Supreme Court); WI 68, 881 N.W. 2d, 749

⁶ *Shreya Singhal v. Union of India* (2015) 5 SCC 1

Guidelines and the 2021 revisions to the *Information Technology Act*, India's social media rules significantly disrupted the digital landscape. These modifications placed stringent obligations on platforms, requiring grievance redressal procedures, strong content moderation, operational reorganisation, and the recruitment of compliance officers. However, they sparked divisive discussions about government control over online content, privacy concerns, and freedom of expression. Concerns regarding possible censorship and surveillance were raised by the rules' concentration on keeping an eye on and eliminating information that was illegal or controversial. Legal challenges contesting their legitimacy and their effects on basic rights have also emerged.⁷

III-Social Media Laws from a Global Perspective

Social media rules are complex and constantly changing on a worldwide scale. To regulate social media platforms, various nations and areas have put in place a range of laws, each with specific goals such as combating false information, protecting privacy, and attending to national security issues. International agreements and norms heavily influence these legal frameworks, yet enforcement issues and the complexity of cross-border ramifications are common. There are constant discussions about protecting online freedom while preventing harmful information, and finding a balance between maintaining freedom of expression and putting in place efficient content management procedures is a global dilemma.

International technology firms struggle with a variety of legislative frameworks, and worldwide conversations about data security and privacy continue. In order to handle the interconnectedness of the digital domain, this global viewpoint emphasises the necessity of international cooperation and the consideration of fundamental principles in social media regulation. Governments all around the world have made progress in recent years to modify legal frameworks to reflect the quickly evolving social media ecosystem.

A notable example is the General Data Protection Regulation (GDPR) in Europe, which establishes strict guidelines for user data protection and gives people more control over their data. Similar to this, nations like the United States have managed a complicated web of regulations, such as the Communications Decency Act, which protects online platforms from liability, and ongoing debates about possible changes to Section 230, which shields platforms

⁷ Though the case predates advanced AI, it is foundational for **content moderation rules** on social media. The Court struck down **Section 66A IT Act** and held that **intermediaries (including platforms using automated systems)** cannot remove content *without judicial order or government direction*.

from some legal liabilities for user-generated content.

IV-India's Social Media Regulations and their Effects

As the digital world continues to grow and change, social media platform regulation in India has become a major topic of controversy in recent years.⁸ The intricate relationship between technology, the law, and social standards is reflected in this dynamic and multidimensional topic. The Indian government has taken a number of steps to address the particular issues raised by the quick development of social media, such as worries about content moderation, data privacy, and disinformation.

India's social media laws are examined as follows:

A. The Information Technology Act -The IT Act, which offers a legal framework for handling matters pertaining to cybercrimes, electronic trade, and data protection, is the cornerstone of internet governance in India.⁹ social media is one of the facets of online activity that the IT Act has been updated to address. It aids in tackling new social media-related issues, such as the addition of clauses that address cyberbullying and online harassment. The Act's main clauses are Section 66A (Punishment for conveying inflammatory messages through communication service, etc.) and Section 79 (Exemption from obligation of intermediary in certain instances). The Supreme Court ruled in 2015 that Section 66A, which was previously used to deal with internet crimes like cyberbullying and harassment, was unconstitutional because of its ambiguous definitions and potential for abuse.

B. Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021-¹⁰ By classifying social media platforms into three groups—social media intermediates, significant social media intermediaries, and publishers of news and current affairs content—this set of regulations marks a substantial change in the way social media platforms are regulated. Among the main clauses are:

1. It is required that users file concerns about material and its moderation through a Grievance Redressal procedure. In India, platforms are required to designate a Chief

⁸ *Justice K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1

⁹ *Anvar P.V. v. P.K. Basheer* (2014) 10 SCC 473

¹⁰ *WhatsApp LLC v. Union of India* WP(Crl.) No. 02 of 2023

Compliance Officer, a Nodal Contact Person, and a Resident Grievance Officer to handle customer complaints and grievances within predetermined timeframes.

2. Social media intermediaries must set up a system for quickly resolving complaints and eliminating offensive materials, including hate speech, false information, and explicit content.

C. Digital Personal Data Protection Act 2023 On August 11, 2023, Parliament passed the Digital Personal Data Protection Act, which established guidelines for safeguarding citizens' digital data.¹¹ The Act mandated that operational regulations be put into effect. The DPDP Rules 2025 include guidelines, deadlines, and standards for compliance. Consent and transparency, purpose limitation, data minimisation, accuracy, storage limitation, security precautions, and accountability are the seven fundamental tenets around which the framework is based.

V-Regulation of Digital Platform

The Ministry of Electronics and Information Technology, which is crucial in creating laws and rules pertaining to digital platforms and internet governance, is one of the organisations and frameworks that the Indian government has set up to regulate digital platforms. Fact-Check Units and the Press Information Bureau (PIB) are additional regulatory agencies. The Indian government has established fact-checking departments and worked with news organisations to confirm and correct disinformation spreading on social media in an effort to counteract misinformation. Additionally, the Telecom Regulatory Authority of India (TRAI), which is principally in charge of overseeing telecom services, has participated in conversations about network neutrality and data privacy, both of which have an indirect bearing on social media platforms.

VI-Conclusion

Human rights and artificial intelligence (AI) provide both revolutionary possibilities and hitherto unheard-of difficulties. AI has the ability to completely transform public administration, healthcare, education, and business, greatly enhancing people's lives and generating new productivity. But it also brings up serious issues, such as privacy risks, algorithmic discrimination, the loss of personal autonomy, and the potential for widespread

¹¹ Internet Freedom Foundation & Others vs. Union of India Writ Petition (Civil) No. 44 of 2019

surveillance. The existing legal environment is changing on a national and international level, but it is still disjointed. International agreements like the UDHR, ICCPR, and regional frameworks place a strong emphasis on equality and human dignity, but they have not yet been completely modified to address the particular difficulties presented by AI. Recent developments in India, such as the Digital Personal Data Protection Bill and NITI Aayog's AI plan, are encouraging but need substantial improvements to fully address concerns unique to AI.

Transparency, accountability, justice, and inclusivity must be the guiding principles of ethical AI development. For comprehensive solutions that emphasize human rights while promoting AI innovation, stakeholder collaboration—including that of governments, businesses, academia, and civil society—is crucial. Responsible AI deployment can be further strengthened by tech businesses adopting ethical norms and establishing AI impact evaluations. In the end, a careful balance between innovation and protecting human rights is necessary to guarantee that AI acts as a force for good. Societies may build a future where technology advances and coexists peacefully by embracing ethical growth, legal protections, and ongoing communication.

