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AI BIAS RISKS REVERSING SOCIAL PROGRESS: FROM THE MODERN ERA TO OLD SOCIETY IN INDIA

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Abstract

Artificial Intelligence (AI), hailed as the cornerstone of modern progress, has paradoxically begun reflecting — and in many ways reviving — the regressive socio-cultural structures it was intended to transcend. This paper examines the social regressions embedded in contemporary AI applications, drawing from Indian constitutional values, statutory frameworks, and important judicial interventions. It argues that unchecked algorithmic bias risks undoing decades of progress made through legal and social reform, effectively dragging society backward under the guise of technological advancement.

Introduction

Even though artificial intelligence (AI) is seen as the symbol of contemporary innovation, a deeper look reveals a concerning paradox: AI has the potential to strengthen regressive social structures that India and many other democracies have worked hard to undermine when it is shaped by biased data and opaque algorithms. AI prejudice runs the possibility of reversing society to a period characterized by hierarchy, bigotry, and restricted human agency rather than advancing it. It is concerning that this digital backwardness continues despite a strong legal system designed to protect justice and equality. Machine learning models that take in and magnify past patterns are becoming more and more important in AI systems, especially those utilized in automated recruiting, credit scoring, facial recognition, and predictive policing. This frequently entails reproducing firmly ingrained caste, gender, and religious divisions in India. *Examples include*, Predictive policing systems that label Dalit-dominated areas as crime-prone based on historical crime data; recruitment platforms that exclude applicants with certain caste-based surnames or gender identifiers; and loan approvals that disproportionately deny credit to applicants from rural or marginalized backgrounds because of skewed “risk” metrics.

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AI has brought about previously unheard-of levels of efficiency in justice, healthcare, economics, and governance. However, the algorithms that are propelling this change are frequently trained on historical data sets that reinforce preconceived notions. In India, a country long governed by constitutional mandates for equality, dignity, and non-discrimination the re-emergence of casteist, patriarchal, and class-based decision-making in algorithmic form presents a serious threat to the social contract envisioned by the framers of the Constitution.

1. Algorithmic Discrimination and India's Constitutional Promise

Article 14 of the Constitution of India guarantees equality before the law and equal protection of the laws, while Article 15 prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. However, AI systems trained on biased historical datasets can reproduce these very forms of discrimination.

For example, if a hiring algorithm is trained on previous recruitment data that underrepresents Dalits or women, it could perpetuate those patterns, thereby violating the spirit, if not the letter, of India's constitutional protections. This automated casteism or gender bias, though subtle, undermines decades of social justice progress under laws like the SC/ST (Prevention of Atrocities) Act, 1989 or The Equal Remuneration Act, 1976.

2. Reinscribing Gender Roles through AI: A Challenge to Legal Equality

In India, AI systems frequently fall back on preconceptions, even in the face of the Prohibition of Sexual Harassment Act (POSH), 2013 and other workplace gender equality laws. Voice assistants and chatbots frequently represent passive female characters, perpetuating outdated gender stereotypes. In contrast to the goals of Articles 15(3) and 16, which support positive discrimination and equal opportunity for women, AI-generated images or texts may underrepresent women in leadership, politics, or research.

3. Erosion of Human Agency: From Constitutional Democracy to Digital Determinism

Predictive AI systems that make decisions on access to credit, employment, or even bail based on ambiguous data pose a threat to the right to privacy, which was upheld as a basic right in *Justice K.S. Puttaswamy v. Union of India*,¹. Instead of respecting each person's right to autonomy and dignity,² such systems run the potential of turning people into data points,

¹ (2017) 10 SCC 1.

² The Constitution of India, Article 21.

reflecting antiquated ideas of fate and predetermined social roles. When AI biases lead to unequal treatment in public and private systems, it is a clear violation of India's fundamental values under the Right to Equality,³ Prohibition of Discrimination,⁴ and Right to Life with Dignity.⁵ The Information Technology Act of 2000 is still insufficient to control this kind of bias, particularly in light of its 2021 Rules.

4. AI-Driven Surveillance and the Shadow of Authoritarianism

India's Information Technology Rules⁶ enable content takedown and traceability. While intended to prevent misuse, these rules combined with AI-driven surveillance tools (such as facial recognition in public spaces) can result in excessive state control, echoing monarchical surveillance.

This undermines freedom of speech and expression⁷ and may create a chilling effect on civil liberties—especially if surveillance disproportionately targets minorities or activists, as seen during recent protests and unrest.

5. Bias in AI Content Moderation: Suppressing Dissent Like a Colonial Regime

The Representation of the People Act and the IT Rules, 2021 govern election-related content and digital speech, but AI-led moderation can suppress non-mainstream or dissenting voices, especially from marginalized groups.

By reviewing resumes submitted within the last ten years, Amazon's AI hiring technology was designed to streamline the hiring process. However, the AI system ultimately learned to discriminate against female candidates in favor of male candidates because the hiring records of the past primarily comprised male applicants. Resumes with keywords relevant to a person's gender were reduced, which led to systematic discrimination against women. The instance demonstrates how discriminatory training data can reinforce workplace prejudice and demonstrates the need for more diverse AI training procedures.

The COMPAS instrument, which is widely used in the criminal justice system of the United States, was created to calculate an offender's likelihood of recidivism. The algorithm would,

³ *Id.*, Articles 14.

⁴ *Id.*, Article 15.

⁵ *Id.*, Article 21.

⁶ India's Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

⁷ The Constitution of India, *Id.*, Article 19(1)(a).

however, greatly exaggerate the likelihood of recidivism for Black defendants and underestimate it for White defendants, according to a seminal report. Sentencing recommendations were more severe as a result of this racial bias. For Black defendants, illustrating the terrible effects of the criminal justice system's incomprehensible AI decision-making. The case emphasizes how AI systems used for high-stakes decision-making require greater openness, control, and equity.

The inability of facial recognition technology to accurately identify women and individuals with darker skin tones has drawn harsh criticism. According to research, these AI systems misidentified women and non-white people more frequently because they were trained on faces that were primarily lighter-skinned and male. This has resulted in privacy violations, incorrect security classifications, and erroneous arrests. The case highlights the necessity of representative and varied training data in AI advancement to prevent real harm.⁸

This study demonstrates through the case studies how AI bias may have real-world consequences that sustain social injustices that require immediate remediation.

Conclusion

The march of AI in India, unless carefully regulated and ethically designed, risks mirroring the social regression of a pre-modern era. While the Constitution, judicial precedents, and data protection frameworks like the Digital Personal Data Protection Act, 2023 provide a legal bulwark, the operationalization of these protections in AI systems remains inadequate.

India must lead in creating a sui generis legal framework for AI governance—one that enforces algorithmic transparency, fairness audits, anti-discrimination clauses, and human-in-the-loop mandates. Legal educators, policymakers, and technologists must collaborate to ensure that AI strengthens, rather than subverts, the democratic and egalitarian vision of modern India.

Only then can we prevent our journey into the digital future from becoming a technologically advanced throwback to the social injustices of the past.

⁸ Available at: [Beating the bias in facial recognition technology - PMC](#).