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Artificial Intelligence vs Human Rights

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On the surface AI algorithm and their applications promises more effective and peaceful societal institutions but is it the truth...or does AI have enough potential to slander human rights? With the current implantations of AI in the world, it can be observed that certain section of society benefits enormously while other either remain stagnant or suffers a backlash. It promises an ecstatic future that will provide a higher standard of living, with higher productivity and efficiency rates thus ultimately leading to a better global economy with high GDP. But along with the good also comes the bad, this article deals with the assessment of both positive and negative implementations of AI on human rights and a potential solution to tackle these problems. The first part of this paper deals with the positive implementations of AI and how it helps in the promotion of human rights. The second part deals with the negative effects of AI and a potential solution to tackle these lastly it discusses two major cases of breach of privacy namely Cambridge Analytica in U. S. and the Pegasus spyware case in India.

Keywords: *artificial intelligence, human rights, privacy, employment.*

INTRODUCTION

To state the obvious, technology has played and is playing a very crucial role in every human life. It has made life easier and people more productive. In other words, technology has

accelerated the normal march of economic progress¹ and with the development of machine learning & artificial intelligence, which has now brought us to the era of smart assistants at the palm of our hands, self-driving cars, automated financial investing etc., highlights the colossal shift towards more dependency of humans on the technology as we know it. The majority of the innovations were done in the past and have changed the course of history for example- metal tools, wheels, printing press, Apollo Guidance Computer (AGC) code (which was used to send people to the moon) etc. All these innovations have acted as the shoulders of giants on which the very foundation of the current modern technology stands. “Generally speaking technology has increased the size of the “economic surplus pie” and redistributed much of its consumer.”²

Now if we talk about the last few years the development in technology and innovations such as artificial intelligence, machine learning etc. have brought paradigm-shifting changes in our societies: from farming to weather detection, health care, their role in creating deep fakes to their role in criminal justice system...their applications are endless. But as we know it, all that glitter is not gold “given the novelty, scale, and opacity involved in many applications of these technologies, the stakes are often incredibly high.” And to know what is at stake we first need to understand what AI is. AI doesn’t have a widely accepted definition It is an umbrella term which includes advancing technology i.e. making computational algorithms more advanced such that machines can do acts which require intelligence such as pattern recognition, computer vision, and language processing. With a definition like that what we call AI keeps changing from time to time as that technology becomes mundane and ingrained in our daily life i.e. any machine that can do work which requires intelligence can be considered AI for example, in earlier times people used to write letters to each other frequently but now that has been replaced by emails, text messaging, mobile phones etc. So even these technologies were considered AI at that time but people generally don’t refer to them as artificial intelligence these days instead new technologies with more advanced capabilities designed to make people’s lives easier are

¹ David H., ‘Skills, education, and the rise of earnings inequality among the ‘other 99 percent’ (2014) 344(6186) Science <<https://www.science.org/doi/10.1126/science.1251868?cookieSet=1>> accessed 15 November 2022

² Adam Saunders, ‘Technology’s impact on growth and employment’ (*OpenMind BBVA*) <<https://www.bbvaopenmind.com/en/articles/technology-s-impact-on-growth-and-employment/>> accessed 15 November 2022

now referred to as AI: with such rapid growth in technology the definition of artificial intelligence also changes over time, and this whole idea is known as the “AI effect” or the “odd paradox”.

Development in technology has had a prolonged effect on reshaping the workplace environment, from the beginning of the industrial revolution. Most of the impacts that advancement has brought to this modern world are no doubt positive and productive in nature but with the rampant growth in technology in today’s era and the introduction of artificial intelligence in the workplace, the scale at which it could disrupt the world of employment and life, in general, is colossally unprecedented.³ So to understand how is AI disrupting human life? & to have a nuanced understanding of the possible positive and negative implications of AI in this global era....a basic understanding of human rights is also imperative. So what are human rights? In the simplest term, human rights can be defined as the collective and individual rights which are to be enjoyed by every human being by the virtue of their birth.⁴ The rights that are going to be referred to in this article would be mostly based on the rights that are reinforced in the UDHR (Universal Declaration of human rights), and further expanded in ICCPR (International Covenant on civil and political rights) & ICESCR (International covenant on economic, social & cultural rights). This article will also keep in purview what will be the impact of AI on the fundamental rights that are guaranteed under the part III of the constitution of India and some key challenges to the adoption of AI in India.

ASSESSMENT OF AI’S IMPACT ON HUMAN RIGHTS

“If we have ignorance we should use machine learning to fill in the gaps where the ignorance resides.”

- Edward Ott

Chaos theory suggests in a system where there are too many variables co-dependent on each other even the slightest change might have a catastrophic effect on the system as a whole.

³ James Manyika, ‘Technology, jobs and the future of the work’ (McKinsey Global Institute, 24 May 2017) <<https://www.mckinsey.com/featured-insights/employment-and-growth/technology-jobs-and-the-future-of-work>> accessed on 19 November 2022

⁴ Universal Declaration of Human Rights 1948

Making a long-term prediction of complex systems (like weather, fire, economy etc.) is next to impossible just with the help of human intelligence but now the advanced algorithms are here to help. It all started in 1951 when Alan Turing published the first algorithm that emerged on paper, which could play a full unstatic game of chess. From a time when it was thought chess engines could never defeat the top-level grandmasters to now when AI chess engines like Alpha zero, stockfish, Houdini etc. have become undefeatable, technology has now become omnipresent.

In this new world where mutating viruses are spreading faster than ever, it can also be observed that new technology and innovation are also transforming equally faster to the point where computers are being trained to tame the chaos. In addition to predicting a chaotic system like weather with the help of ML (machine learning) & not depending upon the sophisticated weather models, AI and ML can now predict equally complex systems like keeping track of cardiac arrhythmia to predict heart attacks, predicting neuron spikes in the brain by monitoring neural network of the brain, evolution of fire in case of events like forest fires or even monitor the stormy solar surface of the sun which might help in predicting solar flares and deliver prior caution of the harmful space weather & even predicting earthquakes.⁵

AI seems to have endless applications which can improve our lives enormously but trusting AI without an iota of stigma is like putting a hand inside the crocodile's mouth with the expectation that it won't bite, systems like AI and ML are hugely dependent on developing, collecting, using and analysing the colossal quantity of data – it's dampening the right to privacy in many ways. "Machine learning technique is almost as good as knowing the truth, so to say."⁶ But some truths are meant to be kept private and data is the new gold of the present era, as it can be used by the corporate heads to.... let's say manipulate the masses as was witnessed in the United States

⁵ Natalie Wolchover, 'Machine Learning's 'Amazing' Ability to Predict Chaos' (*QuantaMagazine*, 18 April 2018) <<https://www.quantamagazine.org/machine-learnings-amazing-ability-to-predict-chaos-20180418/>> accessed 19 November 2022

⁶ *Ibid*

presidential election of 2016, where Trump’s campaign allegedly used millions of Facebook profiles to create voter profiles with the help of a data firm called “Cambridge Analytica.”⁷

AI is being “trained” to benefit humankind and to produce outcomes which are similar to that of human-decision makers but “what is worse, the “veneer of objectivity” around high-tech systems, in general, can obscure the fact that they produce results that are no better, and sometimes much worse, than those hewn from the “crooked timber of humanity.”⁸ While certain sections of society might benefit enormously from some applications of AI, it hurts the other right-holders of society. Among all the rights that AI has the potential to violate (such as the right to equality before the law, right to social security, freedom of opinion and information etc.), the right to privacy is the single most impacted right by the current implementations of AI.⁹ So to move forward with a world full of various implementations of modern AI, we also need to understand the positive and negative impacts that AI might have on human rights if fully introduced in a social institution.

POSITIVE IMPLICATIONS OF AI IN THE GLOBAL NETWORK ERA

The article of faith suggests that a higher living standard would be experienced by every new generation as compared to their parent generation. And this just might be true, as AI and automation of industries lead to higher productivity, greater economic growth, increase in efficiency, higher safety standards and much better convenience.

AI can help in the promotion of the right to equality and work, it can help in identifying pre-existing biases in society and help the policymakers and government mitigate these biases by making better policies and decisions, thus upholding fair and equal treatment.¹⁰ In addition to

⁷ Nicholas Confessore, ‘Cambridge Analytica and Facebook: The Scandal and the Fallout so far’ (*The New York Times*, 4 April 2018) <<https://www.nytimes.com/2018/04/04/us/politics/cambridge-analytica-scandal-fallout.html>> accessed 19 November 2022

⁸ Raso, Filippo et al., ‘Artificial Intelligence & Human Rights: Opportunities & Risks’ (*DASH*, 25 September 2018) <<https://dash.harvard.edu/handle/1/38021439>> accessed 21 November 2022

⁹ *Ibid*

¹⁰ C.P. Gurnani, ‘Use new technology to improve not dilute human rights and social issues’ (*Forbes India*, 8 June 2021) <<https://www.forbesindia.com/blog/technology/use-new-technologies-to-improve-not-dilute-human-rights-and-social->

that it can also help to mitigate payment gaps, unjust performance reviews and biased promotions.

Digital talent platforms (like LinkedIn, Upwork, Fiverr etc.) are promoting the work culture by using prominent search capabilities and polished screening algorithms for the matchmaking of workers with jobs, thus increasing overall productivity by promoting the right people for the right jobs.¹¹ This hiring process also cut down the time that employee spends searching for jobs and the employer spends looking for the right people. All of this ultimately results in a potential increase in GDP as well. A 2011 study conducted by McKinsey's Paris office showed that the introduction of the internet had eradicated 500,000 jobs in the last 15 years in France. But it also provided 1.2 million more job opportunities i.e. 700,000 more jobs than there were before.¹²

IoT (Internet of things) and blockchain are helping in the enhancement of the right to life and health. IoT is a broad term which simply refers to the devices that are connected to the internet, which collect, share and use data provided by the user. The IoT devices such as smartwatches which have sensors to monitor heart rate can keep track of a person's medical conditions and in case of an emergency (such as heart attack, stroke etc.) can send an immediate notification to the appropriate authority which would ultimately ensure timely help in adverse situations.¹³ Drones can be used to spread seeds equally and monitor the farmlands.¹⁴ And the

[issues/#:~:text=The%20advancements%20in%20technology%20may,violate%20the%20right%20to%20privacy>ac](#)
cessed 21 November 2022

¹¹ James Manyika, 'Technology, jobs and the future of the work' (*McKinsey Global Institute*, 24 May 2017)

<<https://www.mckinsey.com/featured-insights/employment-and-growth/technology-jobs-and-the-future-of-work>> accessed 19 November 2022

¹² James Manyika & Charles Roxburgh, 'The great transformer: Impact of internet on economic growth and prosperity' (*McKinsey Global Institute*, October 2011)

<https://www.mckinsey.com/~media/mckinsey/industries/technology%20media%20and%20telecommunications/high%20tech/our%20insights/the%20great%20transformer/mgi_impact_of_internet_on_economic_growth.pdf> accessed 16 November 2022

¹³ Dr. Rajashekar Karjagi & Manish Jindal, 'What can IoT do for health care?' (*Wipro*)

<<https://www.wipro.com/business-process/what-can-iot-do-for-healthcare-/>> accessed 21 November 2022

¹⁴ Muhammad Imran, 'Drones in agriculture- Best drone applications in agriculture and farming' (*Folio*, 22 March 2022)

<<https://www.folio3.ai/blog/drones-in-agriculture/#:~:text=Drones%20in%20agriculture%20are%20opening,for%20the%20past%20many%20decades>> accessed 21 November 2022

strong encryption provided by the blockchain is now being used to promote safer, transparent and traceable transactions, thus promoting the general economy on a mass level.¹⁵

Assistive Technology (AT) and Ed-tech are being used to promote the right to education and equality. Not everyone in society is on an equal stand some people are more privileged than others and have better situations. These technologies can help in reducing discrimination that is created by the situations people are born in or with, thus helping in promoting substantive equality in society. Ed-tech helps in promoting education in rural areas that might not have access to good educational institutions and AI-enabled translational services are helping in making education more inclusive, especially in a country as diverse as India.¹⁶ AI's applications in AT such as voice recognition, screen readers, visual search engines etc. are a great help to the specially-abled and terminally ill people.

AI also plays a crucial role in the administration of justice. The first thought that might come, when we think about the role of AI in the justice system, is its role in protecting people and organisations from cyber-attacks and zero-day attacks¹⁷, thus promoting cyber safety and security. But in addition to that recent development in AI technology has developed risk assessment algorithms- which can predict if a person will commit a crime in the future, whether that person will repeat an offence that he has already committed, and whether a suspect will show up in the court or not, thus aiding judges to make life-changing decisions.

Risk assessment tools (RATs) which are based on the above-mentioned algorithms are used by judges to make a variety of judicial decisions such as parole, probation, sentencing etc.¹⁸ Some

¹⁵ Shaan Ray, 'Blockchain: The technology of transactions' (*Towards Data Science*, 26 March 2018) <<https://towardsdatascience.com/blockchains-the-technology-of-transactions-9d40e8e41216>> accessed 21 November 2022

¹⁶ Gaurav Perti, 'How can AI help in creating disruption in the Ed-tech industry?' (*The Economic Times*, 20 October 2022) <<https://m.economictimes.com/news/company/corporate-trends/how-can-artificial-intelligence-help-in-creating-disruption-in-the-edtech-industry/articleshow/94949105.cms>> accessed 22 November 2022

¹⁷ Jonathan Fischbein, 'How AI Can Save The Day' (*Forbes*, 6 May 2022) <<https://www.forbes.com/sites/forbestechcouncil/2022/05/06/how-ai-can-save-the-day/?sh=236e8d364440>> accessed 19 November 2022

¹⁸ Alex Chohlas-Wood, 'Understanding risk assessment instrument in criminal justice' (*Brookings*, 19 June 2020) <<https://www.brookings.edu/research/understanding-risk-assessment-instruments-in-criminal-justice/#footnote-1>> accessed 21 November 2022

researches show that in many cases judges can be influenced by their characteristics which may lead to unfair decisions.¹⁹ RATs have shown the potential to bring uniformity, precision and transparency to judicial decision-making because, unlike humans, an AI's decision can be uncovered, examined and interrogated.²⁰ For example- The COMPAS (Correctional Offender Management Profiling for Alternative Sanctions) is a RAT which runs on two models "General Recidivism Risk" and "Violent Recidivism Risk", the former model gives a general prediction of future reoffending while the latter gives a prediction of violent reoffending.²¹ Similarly, another RAT called PSA (Public Safety Assessment) takes into factor various elements such as age, criminal history of the offender etc. and then produces three risk scores - the risk that they will be convicted of a new crime in the future, the risk that they will commit violent crime in future and the risk whether or not they will show up to the court or not.²² RATs are still at their early stage so Judges can overlook their risk scores if they seem too strict or too relaxed.

ASSESSMENT OF UNFAVOURABLE EFFECTS OF AI IN THE GLOBAL NETWORK ERA

The rampant growth of AI-based tech does show a promising future with higher productivity and efficiency rates, which will have an enormous positive impact on humanity. But it does come with the baggage of human rights violations. From Mumbai to Manchester people are debating about the future of work, how would AI affect jobs whether and whether will there be enough jobs in the future. Research shows that adaptation of current automation tech will affect 50% of the global economy i.e. around 1.2 billion people & around \$14.6 billion in

¹⁹ Jeffrey J. Rachlinski et al., 'Does unconscious racial bias affect trial judges?' (2009) 84(3) *Notre Dame Law Review* <<https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1691&context=facpub>> accessed 21 November 2022

²⁰ Jake Silberg & James Manyika, 'Notes from the AI frontier: Tackling bias in AI (and in humans)' (*McKinsey*, June 2019) <<https://www.mckinsey.com/~media/mckinsey/featured%20insights/artificial%20intelligence/tackling%20bias%20in%20artificial%20intelligence%20and%20in%20humans/mgi-tackling-bias-in-ai-june-2019.pdf>> accessed 21 November 2022

²¹ Megan T. Stevenson & Christopher Slobogin, 'Algorithmic Risk Assessments and the Double-Edged Sword of Youth' (2018) 96(3) *Washington University Law Review* <https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=6353&context=law_lawreview> accessed 21 November 2022

²² Matthew DeMichele et al., 'The Public Safety Assessment: A Re-Validation and Assessment of Predictive Utility and Differential Prediction by Race and Gender in Kentucky' (*SSRN*, 7 May 2018) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3168452> accessed 21 November 2022

salary. And more than half of this data accounts for only 4 countries i.e. China, India, Japan and the U.S.A. .²³ These data are certainly concerning they might affect the right to equality and right to employment but out of all the rights that AI has the potential to disrupt, currently right to privacy is the most impacted right.

For instance, IoT devices raise a lot of privacy concerns, as AI that these devices use functions fully on the collection, generation and sharing of the colossal amount of data shared by the users. And these data consist of a lot of private personal information such as health data, location, what are your purchases, what shows you prefer to watch and a plethora of other sensitive information. ²⁴ For example- IoT devices like google home, Alexa etc. use inferences made by the use of user data to make sales pitches in a non-retail environment like home which leads to individuals making an expense within normal circumstances they would not have made.²⁵

Companies give individuals a false pretence of consent, just clicking the button “I agree” does not amount to valid consent. For example, in case smart toys or baby monitors are aimed at minors cannot get valid consent as minors are incapable of giving consent. And devices which are built for parents to keep an eye on their teenagers, the concept of consent gets complicated. In cases of devices or apps which ask you to agree with the prerequisite T&C they provide which if not agreed to the device or the software becomes inoperable, in these cases also the consent is not genuine. Consent can never be assumed to last forever, smart home devices such as smart speakers, smart home security systems, smartphones etc. all these devices blend into people’s daily life and continue to spy on them throughout the day. And in case an IoT company is being acquired by another company the consent seems to continue even if the new company might

²³ Michael Chui et al., ‘The Countries Most and Least likely to be affected by automation’ (2017) Harvard Business Review <<https://hbr.org/2017/04/the-countries-most-and-least-likely-to-be-affected-by-automation>> accessed 20 November 2022

²⁴ Roberto Yus & Primal Pappachan, ‘Smart devices spy on you – 2 computer scientists explain how the Internet of Things can violate your privacy’ (*The Conversation*, 14 March 2022) <<https://theconversation.com/smart-devices-spy-on-you-2-computer-scientists-explain-how-the-internet-of-things-can-violate-your-privacy-174579>> accessed 21 November 2022

²⁵ Ivan Mehat, ‘Amazon’s new patent will allow Alexa to detect a cough or a cold’ (*TNW*, 15 October 2018) <<https://thenextweb.com/news/amazons-new-patent-will-allow-alexa-to-detect-your-illness>> accessed 21 November 2022

have different purposes and policies for using user data, so that also makes accountability quite complicated.²⁶

To tackle these issues and to provide a possible solution to these problems U. S. recently introduced a blueprint for “The AI bill of Rights which is based on 5 principles:

- A safe and effective system i.e. an automated system of work should be developed with the consultation of all the stakeholder’s holders and domain experts.
- Algorithmic discrimination protection i.e. systems should be designed in an equitable way to protect their stakeholders from unsolicited bias.
- Data privacy i.e. users should be informed if their data is being collected, used, or disclosed, the specific purpose for which a company is collecting an individual’s data, and information about all the parties who have access to their data and their purpose.
- Notice & explanation i.e. one should know an automated system is being used and why it contributes to the outcome that impacts them.
- Human alternatives, considerations and fallback i.e. one should choose human alternative instead of automated system in appropriate cases.”²⁷

Besides U. S. in India as well there are discussions about the national strategy for AI that are being conducted to tackle the possible interventions that AI might cause in a country as diverse as India.

AI AND PART III OF THE CONSTITUTION OF INDIA

People weren't always quick to identify fundamental rights as the key dangers of utilising AI, however, some did bring up similar issues. The duty to respect human dignity, the cornerstone of all fundamental rights protected by the Constitution, is directly impacted by the use of AI-driven technologies. AI-driven processing of personal data must be done with consideration for

²⁶ ‘Internet of things privacy issues and challenges’ (Office of the Victorian Information Commissioner) <<https://ovic.vic.gov.au/privacy/resources-for-organisations/internet-of-things-and-privacy-issues-and-challenges/#transparency>> accessed 21 November 2022

²⁷ ‘Blue print for an AI Bill of Rights’ (The White House) <<https://www.whitehouse.gov/ostp/ai-bill-of-rights/>> accessed 21 November 2022

people's rights and dignity. This places people at the centre of all debates and actions about AI. The emphasis should be on the "human being" who is influencing and producing the new technology rather than the technology itself. By starting with human dignity, we can make sure that everyone benefits from the use of AI – for example, by supporting ageing and access to healthcare in a dignified manner but it doesn't.

The topic of fundamental rights regarding the use of AI centres on the right to respect one's private life and the protection of personal data (Article 21). The rights to respect for one's private life and the preservation of one's privacy are separate, stand-alone rights even if they are closely related. The "traditional" right to privacy protection and the more "contemporary" right to data protection has been referred to as such. By allowing people a private space where they are free to express themselves, think for themselves, and form their own beliefs, both work to uphold principles that are comparable to one another, such as the autonomy and human dignity of individuals.²⁸ Thus, they serve as a necessary condition for the practice other fundamental rights, such as freedom of expression and information (Article 19), freedom of assembly and association (Article 25), and freedom of thought, conscience, and religion (Article 19).

Because machine learning algorithms are designed to categorise, classify, and separate data, discrimination is a vital topic when it comes to the application of AI. Making difference is not necessarily a negative thing, as one expert noted. This expert claims that credit history can be used to distinguish between people when considering whether or not to give a loan, but not based on protected characteristics like gender or religion.²⁹ However, a lot of character traits or life events frequently have a high correlation with protected characteristics. Because men and women may earn differently and have distinct work histories, the credit history may be systematically different for each. Protected characteristics are frequently strongly connected with dangers. Men and women may have distinct life circumstances, which may frequently be associated with various insurance risks. The Test-Achats decision, however, demonstrates that

²⁸ 'Getting the future right - Artificial intelligence and fundamental rights' (*European Union Agency For Fundamental Rights*, 14 December 2020) <<https://fra.europa.eu/en/publication/2020/artificial-intelligence-and-fundamental-rights>> accessed 21 November 2022

²⁹ *Ibid*

this is unacceptable. The CJEU ended gender discrimination in insurance pricing in that case. Using algorithms could make a good contribution by decreasing bias and stereotyping in specific situations and places. The results of algorithmic data analysis might be used to refute prejudiced beliefs. Predictive policing, for instance, may, in some circumstances, result in more egalitarian and non-discriminatory policy by decreasing reliance on arbitrary human judgments. To pinpoint historically under-policed "white collar crimes" like financial crimes, predictive approaches may be employed.

Access to the file makes it easier to comprehend a decision's justifications and/or the evidence supporting those justifications. As a result, the person is better equipped to make opposing arguments while exercising their right to be heard and their right to a successful remedy. The requirement to justify increases transparency in the decision-making process from the viewpoint of those who will be impacted, enabling the affected party to comprehend and be aware of the rationale behind any action or measure that has been adopted. Another enabling principle, transparency lays the groundwork for other rights, such as the right to an effective remedy.

PEGASUS AND CAMBRIDGE ANALYTICAL CASE

Pegasus Case:

Pegasus is a software used to spy on a person and in this case, it was used by many known persons to spy on the citizens for their political motives. The charges of spying, according to the NSO Group, were untrue and deceptive. "The Forbidden Stories report is full of false premises and unsupported arguments that cast considerable questions on the veracity and motives of the sources. The 'unidentified sources' appear to have provided material that lacks any basis in fact and is far from reality", according to a statement from the NSO Group.³⁰ The Centre reiterated that it was prepared to have all questions answered by an expert committee but did not want to make it public for concerns of national security, and the Supreme Court withheld an interim order regarding petitions seeking an investigation into the allegations of monitoring. The

³⁰ 'A timeline of Pegasus snooping scandal' (*The Indian Express*, 27 October 2021)
<<https://indianexpress.com/article/india/a-timeline-of-the-pegasus-snooping-scandal/>> accessed on 17 November 2022

Supreme Court established a committee to carry out a "thorough inquiry" into claims that Pegasus software was used for unauthorised surveillance, ruling that the state does not always receive a free pass when the issue of national security is brought up.

In this case, it was observed how the use of AI can lead to the invasion of privacy, leaking of important information, and many other fundamental rights being hampered. AI not only caused wrongful loss/wrongful gain to the people who bought the Pegasus software but also called for a national threat to every citizen of India. To every individual, his/her privacy is important and even the constitution agrees with this statement.

Cambridge Analytica Case:

This study focuses on an incident involving Cambridge Analytica, Facebook, and the US Elections, in which people were tricked and manipulated using preexisting information to alter their political opinions and votes. It was discovered that Cambridge Analytica has been working for a US presidential candidate using Facebook Data obtained from a Cambridge University professor. Christopher "Chris" Wylie, a former director of Cambridge Analytica, revealed this unethical behaviour. Between 30 million and 80 million user profiles are thought to have had their personal information compromised.

“Businesses that generate money by gathering and selling specific information of private lives were originally described as "surveillance corporations," but have since changed their name to "social media," according to Edward Snowden. Events involving Cambridge Analytica caused Facebook shares to plunge by an amount never before seen, and users of this social network as well as the general public worldwide responded negatively.³¹ When hidden camera evidence of Alexander Nix, the CEO of Cambridge Analytica, and other firm workers was released on Channel 4 News, the situation significantly worsened. It is critical to realise that we cannot entirely rely on the footage captured by these covert cameras.³² However, they also provide a

³¹ 'Cambridge Analytica: Warrant sought to inspect company' (BBC, 20 March 2018) <<https://www.bbc.com/news/technology-43465700>> accessed 21 November 2022

³² *Ibid*

summary of the impact of CA and other analytical firms on the political environment and especially on online politics.

CONCLUSION

Unquestionably, one of the most significant concerns facing our society is the development of artificial intelligence (AI) and the ramifications for fundamental rights. In actuality, the topic of how this new technology might affect fundamental rights has received less attention than its potential to boost economic prosperity.³³

To ensure the successful and ethical application of AI, authorities must consider several fundamental rights issues. These are listed below:

- When it comes to AI, research has revealed that not all basic rights are fully understood and, as a result, not all of the **fundamental rights that intelligent systems are likely to affect are taken into account**.
- **To minimise negative effects**, evaluate in advance how AI would affect fundamental rights, as practise so far indicates that such an assessment has primarily concentrated on technological factors.
- **Establish a reliable and effective control system to monitor** and, if necessary, manage any adverse effects of AI systems on fundamental rights, including by utilising pre-existing structures (such as Data Protection Authorities) and giving these organisations the necessary resources, authority, and knowledge to prevent potential violations and effectively assist victims.
- **Specify precautions to prevent discrimination** when utilising AI, encouraging public and commercial organisations to evaluate the software's potential for discrimination beforehand.

³³ Elisabetta Pietrocarlo, 'Artificial Intelligence and Fundamental Rights' (*Criminal Justice Network*, 15 February 2021) <<https://www.criminaljusticenetwork.eu/en/post/artificial-intelligence-and-fundamental-rights>> accessed on 19 November 2022

- More information should be given regarding data protection, especially regarding the extent and meaning of the laws governing automated decision-making, as these are critical areas for the **advancement and application of AI** yet are still rife with uncertainty.
- **Ensure that it is possible to appeal decisions made using AI systems** and that doing so is "effective in practice as well as in law." This element turns out to be rather problematic because it assumes that a person can access the software's functionality.

Future laws on the use of AI, as well as criminal law, will undoubtedly be influenced by these proposals. This is especially true regarding predictive policing, which immediately draws attention to the well-known concerns about prejudice posed by such software.