INTERNATIONAL JOURNAL OF LEGAL SCIENCE AND INNOVATION

[ISSN 2581-9453]

Volume 6 | Issue 6

2024

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The Intersection of AI With Constitutional and Human Rights with Focus on Employment Impact

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ABSTRACT

The advent of AI has drastically impacted the functioning of the world in various aspects. It has simplified many tasks and has generated astonishing and commendable outputs that human beings were not able to accomplish. But, it has a negative impact on the Constitutional and Human Rights of the people. As a result, a system of checks and balances must be in place to limit AI's effect, particularly with regard to how it may affect job prospects. This research article's first section addresses how AI affects human rights and the constitution, with a focus on how it affects employment prospects and how it affects the world's major economies in comparison. The impact of such intersection of AI on employment opportunities is further substantiated by an empirical analysis conducted. The findings of the analysis are also shown in this Article. Also, effects on privacy due to AI have also been highlighted, specifically the mechanism of continuous authentication. The second part of this Article is about Design Thinking. Design Thinking is a process that aims to modify the whole thinking mechanism and it channelizes to refresh the thinking mechanism. The main aim of design thinking is to challenge the existing assumptions and give innovative solutions as output. It paves way for an entirely different way to think. In the field of Law, design thinking has been rarely applied and there exists a huge vacuum in this area of research. But, if we go into the roots of the Law – making process, we would realise the necessity of design thinking in the legal field. Moreover, it is in the areas of Law, where design thinking is really required. Regulations on AI's impact on human life are formulated keeping in mind the interests of various stakeholders involved. This process involves lengthy brainstorming sessions, analysing benefits and burden of the proposed Laws on these stakeholders upon whom the Laws are to be implemented, gathering feedback, tabling them in the legislature, debating upon them and then passing them. This Article concludes with reference to India's AI Mission and by stating that design thinking is a prospective solution to determine the point where AI's activities have to be stopped so that it does not intersect with Constitutional and Human Rights of the people and also in their employment opportunities.

Keywords*: cyber law, ai, employment, constitutional rights, design thinking.*

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I. INTRODUCTION

AI is developing at a rapid pace, changing many aspects of contemporary life and bringing significant consequences for human and constitutional rights, especially in the context of work. AI technologies are changing the nature of employment and upending fundamental rights protected by international legal frameworks as they penetrate industries, automating jobs and enhancing decision-making processes.

Given the potential benefits of AI and the risks of violating rights like privacy, equality, and the freedom to work, this junction of AI with constitutional and human rights requires immediate consideration. AI has a particularly big impact on employment since it brings up complicated concerns including job displacement, the emergence of new job categories, and changes in the skills needed for future employment. Millions of workers could be displaced by the automation of routine tasks that were formerly the province of human labour, especially in businesses that depend on repetitive or manual labour. AI is simultaneously opening up chances in brand-new and developing industries, necessitating a labour force with strong technical and analytical abilities. Due to this dynamic, there is a twofold challenge: guaranteeing that the advantages of technology advancement are shared fairly while simultaneously addressing the rights of individuals whose livelihoods are affected by AI.

There are significant ramifications for human rights and the constitution. AI-driven employment developments have a direct influence on the right to work, as recognised in many international human rights instruments. Furthermore, bias, discrimination, and transparency are raised by AI's involvement in hiring and performance reviews, potentially violating the rights to equality and non - discrimination. The increasing monitoring and analysis of employee behaviour by AI systems, often in ways that may not comply with current legal protections, puts the right to privacy at risk as well.

This article examines how AI interacts with human and constitutional rights, focussing on how it affects work in particular. It looks at the ethical and legal issues that AI raises in the workplace, taking into account both the possibility that AI could improve economic possibilities and the dangers that it poses of escalating inequality and violating fundamental rights. The impact of such intersection of AI on employment opportunities is further substantiated by an empirical analysis conducted. The findings of the analysis are also shown in this Article. This research attempts to support a more just and equitable integration of AI into the workplace by examining existing legal frameworks and suggesting strategies for protecting rights of employees and other stakeholders involved in the era of AI. A Comparative

Analysis has been made among major economies of the world to determine the extent of this intersection. An empirical analysis with a small sample size has also been conducted to substantiate the impact of this intersection and the findings of the analysis are shown in this Article. Based on this analysis interpretations have been made and this Article concludes with suggestions to mitigate the impact of the intersection of AI with constitutional and human rights and to integrate AI into workplace without any adverse effect on human employment through reforms.

(A) Major Works Reviewed

Various studies have been conducted in this regard as to analyse the impact of AI on Constitutional Rights. Few of them are cited here. "Big Data and Due Process: Toward a Framework to Redress Predictive Privacy Harms," "The Rise of Big Data Policing: Surveillance, Race, and the Future of Law Enforcement, " "Intermediaries and Hate Speech: Fostering Digital Citizenship for Our Information Age." "Free Speech in the Algorithmic Society: Big Data, Private Governance, and New School Speech Regulation," "Big Data's Disparate Impact," "Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor," "The Fourth Amendment and New Technologies: Constitutional Myths and the Case for Caution." Research works relating to impact of AI on Human Rights have also been reviewed - "Fairness in Machine Learning: Lessons from Political Philosophy." *Proceedings of the 2018 Conference on Fairness, Accountability, and Transparency,"* According to Brynjolfsson and McAfee (2014), automation and AI technologies have the potential to eliminate a large number of jobs, especially in manufacturing and mundane operations. In a similar vein, Frey and Osborne (2017) project that up to 47% of American occupations might be automated, with the most vulnerable industries being office support, logistics, and transportation. According to Manyika et al. (2017), AI will replace certain workers while simultaneously opening up new career options, especially in tech-related fields. These new positions will, however, call for distinct skill sets, underscoring the necessity for people to upskill and adapt. In his discussion of the value of human capital in enhancing AI technology, Autor (2015) makes the case that educational institutions need to change in order to give workers the skills required for the rapidly changing labour market. The World Economic Forum (2020) emphasises how important it is to implement upskilling and reskilling programs so that workers can adapt to new positions that AI creates. In their empirical analysis of the economic effects of AI, Acemoglu and Restrepo (2020) point out that although automation boosts productivity, it also drives down salaries for some job categories. Avent (2016) suggested several policy options as a means of protecting displaced workers, such as universal

basic income, reskilling initiatives, and labour market rules.

Specifically, few works have been reviewed with focus on the privacy in relation with AI. Why Privacy Matters even if you have 'Nothing to Hide' by Daniel Solove addresses a widespread misperception regarding privacy and is incredibly helpful and significant. According to Solove, maintaining one's privacy involves more than just covering up transgressions or concealing secrets. It's a basic right necessary for an open and harmonious society. Encouraging people to cultivate personal relationships, safeguard their mental and emotional health, allow dissent and freedom of expression without fear of reprisal, and grant them autonomy and self-control are all vital. Information exposure can result in social shame, a loss of control, self-censorship that stifles free speech, and unknowable long-term effects due to the rapid advancement of technology. Thus, privacy is not a luxury but rather a must for both individual liberty and a functioning society. It also allows us to express ourselves, maintain good relationships, and protect our individuality. In his paper "The Boundaries of Privacy Harm," Ryan Calo makes the case that a privacy harm is a special kind of injury with distinct features and workings that can only be classified as subjective or objective. Subjective harm is the term used to describe the psychological and emotional suffering brought on by a perceived invasion of privacy, even in the absence of real injury like anxiety arising due to risk of perpetual monitoring and loss of control over data. The term "objective harm" describes the unfavourable effects of a privacy infringement that can be shown to be detrimental to the individual like financial loss due to personal information misuse.

(B) Research Problem

In the attempt to replace human jobs by AI, it is pertinent to strike a balance between technology and innovation and automated decision mechanism and the rights of individuals.

(C) Research Objective

In order to better understand the potential and difficulties presented by AI-driven technologies, this research aims to critically examine the ways in which employment practices using AI may impact human and constitutional rights. With the use of this research, we hope to close the legal gaps that now exist regarding employment, human rights, and constitutional rights and AI.

The study attempts to advance justice, accountability, and transparency in AI-driven employment practices by supporting the creation of legal, ethical, and policy frameworks that guarantee AI technologies are used responsibly in employment settings, without violating human or constitutional rights.

(D) Research Questions

1. In the context of employment, how does AI affect fundamental rights like the freedom to labour, the right against discrimination, and privacy?

2. What ethical and legal frameworks are required to guarantee that AI systems used for work do not infringe upon basic human rights?

3. Is it necessary to enact new legislation in order to adequately handle AI-driven job displacement and hiring bias?

(E) Research Hypothesis

The key aspect of this research revolves around the factor of AI in employment, particularly affecting Constitutional Rights of the employees, by posing a threat to the labour market by job displacement in the near future. The independent variable is AI itself whose role has to be restricted to avoid adverse impact on the labour market. The dependent variable is the job market which has been drastically impacted by the advent of AI and such impact is observed and interpreted. The Hypothesis is that the labour market has been adversely affected by AI and job displacement is prevalent.

(F) Scope and limitation

This study focusses on the examination of the interactions between AI and human and constitutional rights, especially as they relate to employment. The project will investigate how AI-driven technologies used in hiring, employee management, surveillance, and workplace decision-making may affect society, the law, and ethics. Examining the impact of AI on fundamental rights such freedom from workplace discrimination, job stability, and the right to work. examining the potential for AI to reinforce biases based on age, gender, ethnicity, or other protected characteristics in hiring and employee appraisal processes. examining how AI is used in workplace monitoring and data gathering, as well as how this affects workers' privacy rights. determining if the human rights, employment, and constitution laws now in place adequately regulate the use of AI in the workplace or if new legal frameworks are required.

Since AI technology is developing quickly, it is difficult to assess how it may affect jobs and human rights in the long run. It's possible that the research won't be able to properly account for upcoming changes or predict how AI will continue to alter employment practices. There is frequently a dearth of empirical research on the application of AI in the workplace, particularly when it comes to how it affects bias, discrimination, and job displacement. This could limit the study's capacity to provide thorough quantitative analysis and increase its reliance on case

studies or qualitative evaluations. Different outcomes could arise from the main economies' diverse jurisdictions.

Human rights and AI ethics debates are frequently arbitrary and dependent on one's philosophical stance. Finding agreement on how to strike a balance between AI innovation and rights protections may be difficult for the research. An interdisciplinary strategy is necessary for the research, combining legal, ethical, and human rights views with AI technical knowledge. The intricacy of combining different domains could make it difficult to come to thorough conclusions or implementable solutions. The study will only look at how AI is affecting the job sector; it will not look at other fields like healthcare, criminal justice, or education where AI may have an impact on constitutional and human rights.

(G) Research Methodology

The Research Methodology applied in this Research is predominantly Doctrinal Research comprising of Determining the Research Problem through gaps in the Literature Review, Analysis of Existing Legal Framework including Comparative Analysis among Major Economies, Analysis of Existing Legal Framework in India and Judicial Interpretations.

Additionally, an Empirical Research has been conducted in the form of an Online Survey (Questionnaire) circulated among employees of various sectors. Inferences have been drawn from the responses to determine the impact and the ground reality.

II. INTERSECTION OF A.I. WITH CONSTITUTIONAL AND HUMAN RIGHTS

(A) Data Privacy

People's interactions with technology, governments, and one another have undergone a significant shift as a result of the incorporation of AI into many aspects of society. AI systems' growing sophistication has a noticeable impact on constitutional rights, posing important moral and legal issues. This essay examines the relationship between AI and constitutional rights, emphasising important areas where AI presents both benefits and hazards. It assumes significance as AI affects freedom of speech, privacy, due process, and equality. There is a need for possible legislative frameworks that could lessen the negative consequences while highlighting the positive aspects of AI.

One major impact where our Constitutional Rights get affected due to AI is AI's reliance on big data. Organisations gather, process, and utilise big data—a vast, intricate collection of organised, semi-structured, and unstructured data—to obtain insights. Big data is defined by its velocity, diversity, and volume; it is frequently too big to handle with standard data

processing tools. Risks of data breach and breach of privacy is prevalent as there is no mechanism or system to get the consent of the person whose data is being gathered. In the digital age, privacy needs to change to accommodate AI's potential. This entails reconsidering the concept of a "reasonable expectation of privacy" and making sure that data protection regulations are capable of addressing the data processing powers of AI. In an US case - *Katz v. United States (1967),* it was held that this "reasonable expectation of privacy" is a cornerstone in the US jurisprudence. Face – detection, Predictive Policing are the other two aspects where our Constitutional Rights intersect with AI. While Article 21 of our Constitution guarantees right to privacy (J*ustice K.S. Puttaswamy (Retd.) v. Union of India* (2017) where it was held that Right to Privacy is a Fundamental Right, and, reasonable restrictions can be imposed to curtail this right by the state. The reasonable restriction could only be applicable to the State as we can immediately flag violations of this right by the State with proof. But, what about similar violations by private individuals, companies and potential scammers who use AI tools to breach individual's privacy. We see various incidents of that right being violated even in the minute aspects of life. For example, facial recognition and bio-metric data collection have become very common in our daily life right from employment to an airport security check, to which we give our implied consent as we need to get through them without any other way. We still have aversions that where such information gathered are stored or processed once the purpose for which they are gathered is completed.

(B) Communication and Location Data

 Moreover, in the telecom sector and internet, we go through a privacy breach almost daily without even noticing it. In the case of call recordings, or apps or software that display our name and other personal details when we make a call or the person to whom we had a call is able to access our personal details. These instances have led to potential scams and people have lost money in such scams. Leading companies that develop software to monitor the details of the caller have admitted that they share data to verified partners. While this is a problem specific to India as various bodies like the European Union have passed legislations like General Data Protection Regulations to keep check of this. These companies bank on the low importance and attention that Indians give to their privacy in their fast moving lives and continue to earn money.

Similarly, our location is silently being tracked by various search engines and software in our electronic devices as we move from one place to another. This is evident by the search recommendations and feedback pop – up messages we get as we travel.

(C) Content Moderation and Freedom of Expression

While many tech – giants and platforms have engaged AI Content Moderation, this suffers from various drawbacks. A major worry with AI-powered content moderation is the possibility of over-censorship, wherein acceptable speech is mistakenly marked or eliminated because of algorithmic biases or mistakes. Large datasets used to train AI models may cause them to unintentionally pick up and reinforce biases included in the training set, which could result in disproportionate suppression of particular groups or points of view. The proliferation of AI systems, in particular, and the advancement of digital technologies have had a profound effect on the preservation of freedom of expression. These systems are essential for managing vast volumes of content and for fostering innovation, on the one hand. However, this vibrant democratic framework powered by digital technologies falls short of compensating for the unsettling development of the algorithmic society, where algorithmic technologies help define online speech and increasingly AI systems used by governments and commercial entities mediate the governance of these expressions, as in the case of content moderation. For instance, AI systems might find it difficult to discern between hate speech and appropriate political discussion, which could result in the suppression of minority viewpoints or dissenting beliefs. Similar to this, it's possible to ignore linguistic and cultural quirks, misinterpreting innocuous text as insulting or improper. In order to detect and correct discriminatory behaviours, AI models must be continuously improved and audited in order to address algorithmic biases and over - censorship. To promote responsibility and confidence among users, content moderation policies must be transparent, including the disclosure of moderation criteria and decision-making procedures. AI -driven content moderation systems frequently lack human moderators' sophisticated awareness of context, irony, humour, and cultural allusions. Consequently, there is a chance that information will be misunderstood and misclassified, especially in situations where context is essential to establishing whether or not something is acceptable. For example, satirical or caustic remarks could be misinterpreted by AI algorithms as actual hate speech or false information, resulting in their unjustifiable removal or limitation. Similar to this, a lack of contextual awareness can lead to the incorrect flagging of information that deals with delicate subjects or historical events. Content moderation AI needs to be trained on a variety of datasets that cover a wide range of linguistic, cultural, and contextual nuances in order to lessen this issue. Moreover, adding human oversight and review processes can aid in providing context and discretion when AI algorithms are unable to produce reliable evaluations.

(D) Risks due to automated decision – making

Usage of AI in the fields of judiciary and medicine have given rise to a new set of human challenges. AI is biased in this regard and does not consider the human emotional connect factor while making automated decisions. A case may be decide in an unethical manner if AI simply applies its algorithm and provisions of Law without analysing the exclusive humane facts and circumstances of each case. Conclusions may lack the fairness that results from human empathy and understanding when AI makes decisions devoid of emotion. Because AI systems can only be as objective as the data they are educated on, they run the risk of reinforcing or even exacerbating pre - existing prejudices and they lack emotional intelligence. Because AI systems don't consider the emotional implications of their choices, they may provide logical but potentially unfair results. A lack of impartiality in the recruiting process could result, for example, from an AI system rejecting a candidate based only on data points, disregarding their circumstances or potential.

Emotions influence responsibility in human decision-making because people may feel accountable for the results of their choices. However, because AI systems lack this feeling of accountability, it may be difficult to determine who is to blame when an AI-driven choice has unfavourable results. Determining responsibility in autonomous vehicle accidents might be challenging due to the AI system's lack of emotional intelligence and accountability. This begs the questions of who should have legal accountability for judgements made by AI and how that duty should be divided.

When making decisions, human touch is necessary, and empathy, compassion, and understanding are crucial. For instance, choices about patient care in the healthcare industry frequently take emotional factors into account in addition to numerical data and algorithms. AI's lack of emotional intelligence presents problems for legal systems, especially when it comes to discrimination, due process, and human rights. This could entail creating new legal criteria to assess the accountability and fairness of AI judgements.

(E) Relevant Constitutional Provisions

Artificial intelligence (AI) is posing serious constitutional and human rights issues as it is incorporated into more and more fields, including the workforce. When it comes to the effects of AI on employment, India's Constitution provides a strong framework for defending individual liberties and rights. The main constitutional clauses that deal with AI governance and regulation are listed here, with special attention to those that deal with employment and human rights.[4]

Article 14

Article 14 of the Indian Constitution guarantees equality before the law and the equal protection of the law to all citizens. AI programs that are used for hiring, managing the workplace, or evaluating employee performance must guarantee equality. It would be against Article 14 for algorithms to support or worsen prejudices based on caste, gender, religion, or handicap. For example, biassed training data may cause AI-based recruitment systems to favour specific demographics, which could result in discriminatory hiring practices.

Article 15

Article 15 prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. AI systems must not discriminate against people based on protected categories, especially when they are utilised in hiring procedures. People who are harmed by biassed hiring, promotion, or compensation decisions made by AI systems may be able to file a claim under Article 15. An AI hiring tool that discriminates against minorities or women, for instance, would violate this right.

Article 19

Article 19(1)(a) guarantees the freedom of speech and expression to all citizens. Unrestricted AI technology usage in the employment sector could curb the creativity and innovation of employees and lead to dissatisfaction among both the employees and employers. Further AI technology may be used to track employee's behavioural pattern and may flag unnecessary reports to the employer, further affecting the employees' morale. Article 19(1)(c) guarantees the right to form associations or unions. AI systems that keep tabs on union activity or discourage employees from organising may infringe on their right to organise.

AI surveillance systems that threaten or punish employees for unionising may violate this fundamental right. Article 19(1)(g) guarantees the freedom to practice any profession, or to carry on any occupation, trade, or business. AI can improve career prospects, but if it creates hurdles to work, it also puts this right at danger. One could argue that AI-powered systems that restrict access to particular professions due to prejudicial standards violate people's right to pursue any kind of employment. Furthermore, widespread automation driven by AI may make it harder for workers in some industries to find jobs, which would indirectly affect this right.

Article 21

Article 21 guarantees the right to life and personal liberty, which has been interpreted by the Supreme Court to include the right to livelihood. The right to privacy was recognized as a

fundamental right under Article 21 by the Supreme Court in the landmark case *Justice K.S. Puttaswamy (Retd.) v. Union of India (2017).* The employment of AI in the workplace, particularly automation technologies that take the place of human labour, may endanger employees' livelihoods. If social security safeguards or other employment alternatives are not implemented, the right to livelihood may be violated by the widespread job displacement brought about by artificial intelligence. This Article may be used to contest laws or procedures that cause widespread AI-related unemployment. AI systems need to respect people's privacy, especially those that are utilised for employee surveillance, data gathering, and profiling.

AI solutions used in the workplace for continuous activity monitoring, health data collection, or even facial recognition must respect employees' right to privacy. Without appropriate consent or protections, invasive AI technologies may be contested as violating people's right to privacy.

III. INTERSECTION OF AI WITH PRIVACY

The following are some instances of how AI affects privacy. Data Collection and Profiling facilitates more thorough, accurate, and efficient data collection while improving the output's quality. However, it can also make user profiling easier without the users' knowledge or agreement. AI-driven predictive analysis can provide tailored suggestions and services, it also has the ability to infer private information, like medical histories, which could lead to discrimination or a breach of privacy. AI-driven facial recognition technologies can improve security and privacy, stop thefts, and prevent breaches, but they also raise questions about widespread surveillance and the potential for privacy violations. AI can improve user experience and thereby improve answer quality, but it also has the capacity to profile individuals and deduce sensitive information, leading to discrimination or privacy violations.

(A) Personal Experience

I recently had a personal event that brought these issues to light. Using my Smart TV, I watched a show on Amazon Prime. Two days later, I saw news recommendations about the show on my Smartphone while using a Google app. I never watched the show on my Smartphone, and I didn't use it for any associated searches or activities, so this incidence is quite troubling. There are various privacy concerns with this scenario.

It first illustrates how different platforms and technologies are integrated. My Amazon Prime watching activity was recorded and connected to my Google account even though I was utilising different devices and services—possibly without my knowledge or agreement. Second, it raises the possibility that large tech firms are using tracking or data sharing methods

that are opaque to consumers. My data may have been exchanged throughout these platforms without my knowledge, as evidenced by the fact that I received news recommendations about the show on a separate platform and device. Thirdly, this occurrence brings to light the possibility of customised information and targeted advertising depending on our online behaviour. Customised recommendations can be useful and improve the user experience, but they also bring up issues with privacy erosion and monitoring.

To tackle these privacy issues, a multimodal strategy is needed. Large digital firms need to answer for their data practices, guarantee user permission, and be transparent. Protecting user privacy can be achieved in part by ensuring compliance with strict privacy regulations. It is important to inform users about the privacy consequences of using different services and technology. Making people aware of data tracking and sharing policies can enable them to make well-informed choices regarding their online behaviour.

Ultimately, users, tech companies, and regulatory agencies must work together to address the privacy issues brought up by intrusive Big Tech practices in the AI era. Through the adoption of transparent practices, observance of user permission, and provision of information and resources to users, we can strive towards a more equitable and privacy-aware digital environment.

IV. GLOBAL LEGISLATIVE RESPONSE

The body of law pertaining to AI ethics and privacy is still developing, making it a highly complicated and important topic. AI technologies have the potential to both create privacy issues and provide answers. The General Data Protection Regulation (GDPR) and other privacy regulations are not comprehensive and deep enough to handle the issues raised by AI. Since consent, transparency, and bias prevention are intrinsic problems with AI systems, it may really be the creators of those systems that face these difficulties. The United Nations Educational, Scientific, and Cultural Organisation (UNESCO), the European Council, and the Organisation for Economic Co-operation and Development (OECD) have all established guidelines and recommendations regarding the moral advancement and use of AI. UNESCO has taken a leadership role in addressing the ethical implications of AI.

UNESCO's Recommendations on Ethics of AI, (2021) primary goal is to ensure that AI technologies are developed and used in ways that promote human rights, peace, and sustainable development, while preventing harm and inequity. OECD Principles on AI, (2019) provide detailed guidelines for policymakers to create trustworthy AI systems that support economic growth and societal well-being.

While these organisations have different legal positions, they are all concerned with privacy and transparency (either explicitly or implicitly). The European Parliament passed the EU AI Act 10 in March 2024. Certain AI applications that endanger the rights of citizens are prohibited by the new regulations. This includes facial recognition databases being created through generic searching of facial photographs from the internet or CCTV footage and biometric categorisation algorithms that rely on sensitive features. Social scoring, predictive policing, and emotion detection in the workplace and classroom are some examples of AI technologies that are prohibited by rules because they have the potential to manipulate people or take advantage of their weaknesses. However, there are no specific, dedicated or exclusive provisions relating to privacy protection.

On October 30, 2023, US President Joe Biden signed an executive order titled "Executive Order on the Safe, Secure, and Trustworthy Development and Use of AI."16 A "comprehensive approach to AI development and use, focussing on safety, security, privacy, equity, and innovation" is outlined in the directive.[5] There is still no uniform privacy law in the United States, and the Executive Order does not define or clarify what privacy is. The Executive Order lays forth guidelines for upcoming AI policies that will support ethical, transparent, and private AI. Article 22 of the General Data Protection Regulation (GDPR) addresses "Automated individual decision-making, including profiling." The article provides individuals with certain rights when it comes to decisions made solely based on automated processing, which can include profiling. Individuals have the right not to be subjected to decisions based solely on automated processing, including profiling, if those decisions have legal or similarly significant effects on them. In cases where automated decision-making is permitted, there must be suitable measures to protect the data subject's rights, freedoms, and legitimate interests. This includes the right to obtain human intervention, express their point of view, and contest the decision. This is often ignored by various organisations, whereby they have solely relied on AI's automated decisions even in the process of recruitment of employees which has led to several incidents of bias and unreasonableness, prejudicing human rights.

With the introduction of India's AI Mission, a comprehensive national-level program to democratise and catalyse the AI innovation ecosystem in the nation and ensure the global competitiveness of India's AI startups and researchers, the country is about to embark on its journey into the world of privacy. Serious concerns about potential privacy breaches resulting from the use of AI have been raised in the Report of the "Committee on Cyber Security, Safety, Legal and Ethical Issues" These concerns include the possibility of cyberterrorism leading to the theft of personal information from institutions including banking, medical, educational,

government, military, and communication and infrastructure systems.

V. CONSTITUTIONAL AI

With these effects of AI on our Constitutional and Human Rights, we are left clueless to determine a point to restrict the activities of AI so that it also assist human beings without causing prejudice to their rights. Therefore, to find this, we need a mechanism to set ethical standards for the functioning of AI. An approach to AI alignment known as "constitutional AI" aims to develop AI systems that function in accordance with a predetermined set of guidelines, or "constitutional rules." These guidelines direct the AI system's behaviour, judgement, and ethical deliberations to guarantee that it upholds human values and continues to be helpful and safe. The ideas that comprise the architecture of the AI system serve as its "constitution." These principles could be consistent with morality, human values, and safety measures. Deep integration of these concepts within the AI's decision-making process is the goal. The AI uses these principles from the constitution to guide its own behaviour. When faced with a decision, the AI refers to its constitution to determine the optimal course of action that still complies with accepted ethical norms. The development of AI systems that respect people's autonomy, privacy, and general well-being is the aim of constitutional AI.

The AI's guiding principles outline how it ought to communicate with humans, handle personal information, and resolve complex ethical dilemmas. The transparency of AI systems can also be enhanced by the constitutional framework. Users and engineers can hold the system accountable if it deviates from its planned behaviour and gain a better understanding of decision-making processes by making the underlying principles clear. An AI system's constitution may be created to change over time in response to new problems, societal norms, and scientific advancements. Because of its flexibility, the AI is guaranteed to be consistent with human ideals even as they evolve. The goal of constitutional AI research is to make sure that, even as AI systems get more sophisticated, they continue to be trustworthy, safe, and in line with human values. Such a mechanism is needed to ensure checks and balances in this regard.

AI needs to be helpful and safe and the Constitutional AI approach aims to accomplish precisely that. Constitutional AI has a number of important advantages that support the ethical and responsible design and application of AI systems. Here are a few main benefits. Constitutional AI encourages accountability and transparency by creating a constitution that specifies the values directing AI behaviour. It facilitates comprehension of the moral principles that guide AI systems. Constitutional AI reduces the hazards of AI technologies, including bias,

discrimination, and unforeseen repercussions, by placing a higher priority on harmlessness. The Constitution protects against unfavourable consequences. Conventional AI model training techniques mostly rely on subjective, labour-intensive, and time-consuming human feedback. Constitutional AI makes the process more scalable and effective by reducing the need for human annotators through the use of AI feedback. Citing a statement of one of the technical researches in this field, "As AI systems become more capable, we would like to enlist their help to supervise other AIs. We experiment with methods for training a harmless AI assistant through self-improvement, without any human labels identifying harmful outputs. The only human oversight is provided through a list of rules or principles, and so we refer to the method as 'Constitutional AI'.[6] The process involves both a supervised learning and a reinforcement learning phase. In the supervised phase we sample from an initial model, then generate self-critiques and revisions, and then fine-tune the original model on revised responses. In the RL phase, we sample from the fine-tuned model, use a model to evaluate which of the two samples is better, and then train a preference model from this dataset of AI preferences. We then train with RL using the preference model as the reward signal, i.e. we use 'RL from AI Feedback' (RLAIF). As a result we are able to train a harmless but non-evasive AI assistant that engages with harmful queries by explaining its objections to them. Both the SL and RL methods can leverage chain-of-thought style reasoning to improve the human-judged performance and transparency of AI decision making. These methods make it possible to control AI behaviour more precisely and with far fewer human labels." But, this human – contactless method may be impracticable as AI would ignore human emotions and impact on human rights and dignity during the whole process.

Furthermore, the development of AI and the wide range of uses it can inspire have led to significant changes in the ways that humans act, think, trade, and perform many other tasks. AI systems are becoming more and more commonplace nowadays. They interact with many facets of human life and are growing more potent and intrusive. They have unquestionably outgrown a simply technical or mechanical form, and this is probably not going to change. Due to AI's widespread use and cross-border applications, a number of problems around ethical ambiguities, harm, biases, trust, and accountability have become apparent.

These difficulties have raised questions about whether certain core moral orientations should guide AI policy. It emphasises the necessity of bringing AI systems and applications under the jurisdiction of moral and constitutional governance, rather than only remaining under technical supervision and management. Thus, by integrating ethical and legal considerations into their techno-architectural framework, Constitutional AI works at the nexus of AI-driven

technological advancements and the imperatives to align them with fundamental human rights and values in order to ensure just, equitable, and non-discriminatory AI decision making.

A significant change from the current AI operational practices is required for Constitutional AI. Machine learning is used nowadays in AI and huge language models. This suggests that they are capable of learning new things on their own and without explicit human training. Utilising methods and tools like natural language processing, neural networks, and adaptive machine learning algorithms, among others, allows for self-learning. Through the identification of patterns, comprehension of data, and analysis of decision consequences, these mechanisms aid AI systems in their progressive improvement. It is clear that the sources of information they consult and the inputs they depend on become significant. Constitutional AI aims to strike a balance between the frequently contradictory aspects of harmfulness and usefulness. This is an important point to make since improving the utility of AI decision making frequently calls for the adoption of more intrusive tools and procedures that demand increased access to personal data, which can lead to biases and harm. Large language models such as ChatGPT currently control decision making and output by a feedback process called reinforcement learning from human feedback. A human moderation interface is necessary for reinforcement learning from human input. Through this interface, people can assess and rank the AI systems' output and replies for the existence of undesirable traits including toxicity, hostility, and racial biases. After that, the algorithm "learns" from the comments to adjust its responses appropriately. Nevertheless, there are several drawbacks to reinforcement learning from human feedback, including its reliance on human input, which can differ in complexity and scalability. In order to guarantee that AI decision-making and operational procedures are founded on the fundamental constitutional principles enshrined in national constitutions and other widely recognised international rights-based instruments, Constitutional AI can be understood as the integration of ethical-legal frameworks within AI systems. Actually, work is currently underway to create these kinds of AI constitutional frameworks.

For instance, Anthropic, a research and safety firm for AI, has already been developing such models to create trustworthy and secure AI systems by giving its AI applications a set of guidelines based on constitutional values and principles. Constitutional AI can be understood as the integration of ethical-legal frameworks within AI systems to ensure that AI decision-making and operational procedures are based on the fundamental constitutional principles enshrined in national constitutions and other internationally recognised rights-based instruments. In fact, efforts are in progress to develop these kinds of constitutional frameworks for AI.

Moreover, input from legal and constitutional experts as well as other pertinent stakeholders can be integrated to continuously develop AI models after an initial deployment. By further reinforcing and streamlining the regulations, these feedback loops will guarantee that the system develops while continuously upholding the core principles of constitutional law. Constitutional AI is not merely a technological model. It maintains the fundamental tenets of human cultures while balancing AI's ability to advance humanity. Through the integration of AI mechanisms with constitutional concepts, Constitutional AI can guarantee that, even with increasing capabilities, intelligent systems maintain the fundamental ideals that bind our communities together. The increasing prevalence of AI-driven decisions in numerous crucial areas means that investigating, comprehending, and applying Constitutional AI will become not only beneficial but also essential. The combination of a constitutional and rights-based framework with AI is a relatively new development in the rapidly changing technological landscape. How successfully such harmonisation can be accomplished in the extremely dynamic AI world is still to be seen. Nonetheless, it is encouraging to consider that frontend AI decision-making is based on a separate set of dynamic rules. Without a doubt, it will broaden and democratise AI decision-making systems and bring them into line with universalistic value orientations. It is focussed on bringing AI under moral and constitutional governance, rather than remaining under technological supervision and management. In cases like the bias in recruitment due to deployment of AI by Amazon, driverless vehicle crashes, it is evident that there are accountability concerns on who should be held liable in such cases of adverse impacts of AI driven automated decision - making mechanisms. Moreover, using AI to train another new AI model is a threat and human element should be present in training new AI systems as they need to possess human tendencies like emotions. It may also be able to address criticisms of the distortions, prejudices, and discriminating tendencies that AI is sometimes blamed for generating.

(A) Impact of AI on Employment Opportunities

AI is of great utility in our daily life. We are assisted by it in several ways at various points of our daily routine, academic and employment tasks. Our tasks are being simplified through the assistance we get from AI. Since it is well capable of doing repetitive tasks consecutively, it is used in various stages in making drafts of documents, scheduling meetings, preparing meeting agenda, minutes of meeting, comparing and evaluating progress and forming interpretations for future course of action. Large datasets can be quickly analysed by AI algorithms, which can then quickly find insights, trends, and patterns that would take a lot of time or effort for people to notice. Making educated decisions in industries such as banking, marketing, and

healthcare is facilitated by this. AI powered chatbots and virtual agents can provide 24/7 support, respond to customer enquiries, and resolve common issues, increasing customer satisfaction and relieving human agents of some of their workload. AI is used in marketing to help tailor content, product recommendations, and advertisements based on the tastes and actions of the target audience.

AI is used in marketing to help customise adverts, product recommendations, and content according to customer preferences and behaviour. It seemingly translates documents, videos and audio to all languages in the world and also enhances productivity through the feature of text to speech. It helps in maintaining stocks and alerting deficiency of stocks. AI can help fresher's learn their job in the process of training new employees. AI can detect and flag fraudulent or suspicious activities within an organisation.

With these benefits, AI has also gradually started to replace manual jobs by minimising the need for human presence in certain industrial, mechanical and even clerical jobs in the past few years. This is an emerging threat to all major economies, particularly a human resource – centric and labour workforce filled economy like India.

(B) How it is justified as a legal issue rather than a social issue

This job displacement due to AI is a legal issue rather than a social issue because of several reasons. AI-driven job displacement raises concerns about human and constitutional rights, such as the right to work and anti-discrimination safeguards. Laws intended to guarantee equality and nondiscrimination may be violated when AI systems disproportionately affect particular groups. The rights of workers to due process, safe working conditions, and equitable treatment have long been safeguarded by labour laws. These conventional rights are circumvented or redefined as AI automates tasks, raising legal concerns about whether laws should change to provide protections in a labour market powered by AI. In order to maintain justice, legal norms frequently mandate that terminations of employment has to adhere to specific requirements, such as due process rights in regulated businesses involving unions. Transparency, accountability, and due process may be legally challenged if AI-driven choices result in terminations. AI systems frequently use enormous volumes of personal data, and its use in work environments may violate people's right to privacy. There are legal concerns about openness, permission, and the degree to which hiring and firing decisions might be influenced by data. Concerns about responsibility and liability surface when AI decision-making is used in the workplace. Legal frameworks may be required to define who is responsible when an AI system's choice leads to biassed hiring practices or wrongful dismissal, whether that obligation

lies with employers, AI developers, or data providers. Therefore, the doors of the courts can be knocked to seek remedies for job displacement due to AI.

(C) **Legal issues related to the topic**

The legal issues connected with the topic are highlighted here. AI systems may inadvertently reinforce prejudices that result in discriminatory outcomes, especially when it comes to recruiting, firing, and workplace decision-making. This presents legal issues pertaining to equality rights safeguarded by human rights legislation or constitutions.

Legal challenges under anti-discrimination legislation may be warranted if AI-driven choices disproportionately affect particular demographic groups. Large datasets, including personal data, are frequently used by AI to make hiring choices. This raises concerns about data protection laws, including the GDPR in Europe, and privacy rights. The collection, processing, and use of data in employment contexts may require attention from legal frameworks, particularly if it results in automated choices or profiling that has an impact on people's livelihoods. Due process concerns may arise from opaque AI-driven hiring choices. Workers who are impacted by AI-based decisions—like reassignments or terminations—might not be able to comprehend or contest the reasoning behind them. This may go against the law's requirements for due process and equitable treatment in workplace disputes. The right to fair and decent labour is protected by several constitutions and human rights treaties. This might be compromised by the use of AI in hiring choices, which could lead to a rise in job losses or unstable, insecure work settings. In order to address AI's effects on job stability and quality, legal interpretations may need to change. Complex liability issues are brought up by AI in the workplace, particularly if it turns out that an AI system produced biassed or unjust choices. New regulatory frameworks may be necessary to determine the accountability of software developers, employers, and other parties. In order to guard against misuse and safeguard employees, particular legislative requirements regulating the application of AI in the workplace can also be required. Complex liability issues are brought up by AI in the workplace, particularly if it turns out that an AI system produced biassed or unjust choices. New regulatory frameworks may be necessary to determine the accountability of software developers, employers, and other parties. In order to guard against misuse and safeguard employees, particular legislative requirements regulating the application of AI in the workplace can also be required.

Traditional labour rights may be compromised by AI, especially in settings where unions bargain on behalf of employees. AI may have an adverse effect on workforce choices that

compromise collective bargaining agreements. When AI-based judgements circumvent or reduce human oversight, there may be a need for legal clarification about the application of labour rights. These legal concerns show how, as AI changes the nature of labour, new or modified legal frameworks are required to safeguard human rights and the constitution.

(D) **Future Possibilities**

Industrial revolutions and workforce reconfiguration due to artificial intelligence (AI) present both employment prospects and challenges. AI's widespread application is predicted to boost productivity, generate new job opportunities, and encourage innovation, but it also raises questions about economic injustice, skill gaps, and job displacement. The way that firms and people adopt technology, how they adapt, and the laws that oversee this shift will all have an impact on the nature of labour in an AI-driven society. The demand for experts in AI ethics, laws, and policies will increase as AI becomes more prevalent in various industries. These individuals will oversee the creation of rules, ensure AI is implemented equitably, and handle AI's effects on data privacy, safety, and employment rights. One possible outcome of AI is the increasing disparity in skills. Less skilled individuals may face a higher risk of job loss from automation, while individuals with expertise in technology and AI development will remain sought after. AI can lead to an increase in the gap in skills. There will still be a demand for experienced AI developers and high-level technical professionals, but individuals with lower skill levels are at risk of job loss due to automation. There has been much discussion regarding proposals such as Universal Basic Income (UBI) or similar social safety nets in response to job displacement caused by AI. These rules might motivate individuals affected by automation to transition into different non-automated positions, while also offering assistance to those employees.

In an AI-driven society, employment has a bright future, but there are risks that must be carefully considered. While AI will boost productivity across many industries and open up new opportunities, if it is not paired with social policies, regulatory frameworks, and reskilling programs, it also poses a threat to job displacement and will worsen inequality. Governments, corporations, and labourers must adjust to the new technology environment in order for AI to successfully enter the workforce and guarantee that the advantages of AI are widely shared throughout all facets of society.

(E) **Comparative analysis on impact on major economies**

In the advancement of AI, mankind finds in itself a mixed fruit, with the tastes of sweet enhancement of effectiveness and efficiency and the sour replacement of human labourers and

employees. The International Monetary Fund (IMF) predicts that almost 40 percent of global employment is exposed to AI. Historically, automation and information technology have tended to affect routine tasks, but one of the things that sets AI apart is its ability to impact high-skilled jobs. As a result, advanced economies face greater risks from AI—but also more opportunities to leverage its benefits—compared with emerging market and developing economies. In advanced economies, about 60 percent of jobs may be impacted by AI. Roughly half the exposed jobs may benefit from AI integration, enhancing productivity. For the other half, AI applications may execute key tasks currently performed by humans, which could lower labor demand, leading to lower wages and reduced hiring. In the most extreme cases, some of these jobs may disappear.

In emerging markets and low-income countries, by contrast, AI exposure is expected to be 40 percent and 26 percent, respectively. These findings suggest emerging market and developing economies face fewer immediate disruptions from AI. At the same time, many of these countries don't have the infrastructure or skilled workforces to harness the benefits of AI, raising the risk that over time the technology could worsen inequality among nations.

a. UNITED STATES OF AMERICA

The integration of Artificial Intelligence (AI) into the U.S. economy is transforming the job market across a wide range of industries. AI technologies, including automation, machine learning, and robotics, are reshaping how tasks are performed, influencing employment patterns, and creating both opportunities and challenges. McKinsey global institute says that at the global average level of adoption and absorption and advances in ai implied by their simulation, AI has the profound impact to deliver additional global economic activity of around $13 trillion in the foreseeable future and by 2030, or about 16% higher cumulative GDP compared with today. This amounts to 1.2% additional GDP growth per year. If delivered, this impact would compare well with that of other general-purpose technologies through history. This will mainly come from substitution of labor by automation and increased innovation in products and services. The same report went on to say that By 2030, the average simulation shows that some 70% of companies will have embraced the ai revolution and adopted at least one type of AI technology but that less than half will have fully absorbed the five categories. Forbes say ai has the potential to be among the most disruptive technologies across global economies that we will ever develop.

AI could replace the equivalent of 300 million full-time jobs, a report by investment bank Goldman Sachs says. It could replace a quarter of work tasks in the US and Europe but

may also mean new jobs and a productivity boom. And it could eventually increase the total annual value of goods and services produced globally by 7%. The report also predicts two-thirds of jobs in the U.S. and Europe "are exposed to some degree of AI automation," and around a quarter of all jobs could be performed by AI entirely.

b. China

It is estimated that AI and related technologies, such as robots, drones and autonomous vehicles could displace around 26% of existing jobs in China over the next two decades, but could create significantly more additional jobs in China through boosting productivity and real income and spending levels. Our central estimate is that the net impact could be a boost to employment in China of around 12%, equivalent to around 90 million additional jobs over the next two decades. The use of AI in Chinese workplaces and the impact on employees offers important lessons for the roll-out of this technology around the world. China places few restrictions on developers, and this environment has enabled the rapid emergence of a wide range of AI tools. AI integration in China is largely driven by market forces and competition, favouring business interests over those of employees, which has left workers vulnerable to exploitation. For the most part, these impacts disproportionately affect those in low-skilled jobs, particularly in lower value-added sectors, such as raw materials processing, which often use AI solutions more aggressively in workforce management due to narrower profit margins.

As this technology continues to develop at speed, international policymakers must comprehensively evaluate the role of AI in the workplace to avoid negative and unforeseen consequences. AI has larger substitution impacts on labors of female, old age, low education and low income. We also predict the number of employed people that would be replaced by AI in each industry, and the results show that China will have 278 million labors (201 ~ 333 million under different adoption rates) replaced by AI by 2049, representing 35.8% of the current employment in China.

c. Europe

A recent study to gauge the impact of artificial intelligence on employment in Europe, reveals that about 25 per cent of all jobs were highly exposed to automation driven by AI. The level of exposure is such that it presents risks as well as opportunities at the same time. How much the impact will be on jobs will depend on whether the AI-driven technology applied will substitute manual labour or complement it. It was discovered that the jobs that required highly-skilled workers were the ones that were more exposed to AI-based automation. That means, there is competition between AI-driven tech and highly-skilled jobs. While the level of

exposure to AI or automation differs from one skill level to another, it remains more or less the same across age groups. From the study of 16 European countries, the European Central Bank finds that AI-enabled automation is associated with an increase in jobs in Europe – primarily for high-skill jobs and younger members of the workforce.[10]

This strikes as odd because in the past the onset of computers had resulted in a reduction in employment, especially of medium-skilled workers, leading to polarisation. Now, however, no such polarization has come about from software-driven automation. There seems to be no evidence of software replacing medium-skilled humans. That means, while it is true that AI can automate work in almost every occupation, its impact is unlike that brought about by computerisation and even industrial robotics. The impact of AI-enabled technologies — which continue to be developed and embraced — is yet to be seen on employment and wages, and as a result, on growth and equality.

d. India

India's job market has undergone a dramatic transformation since the arrival of AI in 2019. OpenAI's entrance marked a turning point, automating routine tasks and disrupting employment sectors like data entry and call centres. However, the AI wave also brought a surge of opportunities in data science, engineering, and machine learning, creating a new landscape of high-skilled jobs World Economic Forum (WEF) anticipates that AI will generate 12 million more jobs than it displaces by 2025. India houses a talent base of 416K AI professionals as of August 2023 as opposed to the current demand of approximately 629K, a figure expected to surge to 1 million by 2026, according to a report by Wheebox National Employability Test (WNET).[11] Young employability surges to 51.25 per cent, with Haryana, Maharashtra, and Uttar Pradesh leading in talent concentration, the report added. Over 85 per cent of employers foresee AI generating new job opportunities within the next 1-5 years. This optimism is shared by around 63 per cent of job seekers, with 53 per cent believing that AI will create more jobs. Sectors like Education, Healthcare, Media, Finance, and Technology witness significant enthusiasm from 50-65 per cent of job seekers toward AI adoption. However, industries such as Construction, Logistics, Government, and Transportation display a more reserved response, an Indeed India survey revealed. According to a Gartner survey, 69 per cent of managerial tasks are automatable, emphasizing the necessity for a strategic fusion of AI and human capabilities. Additionally, legal, accounting, and finance sectors have been negatively impacted by AI. Salaries, especially in developed countries like the U.S., have seen a 30 per cent decline over the past 10 years after you factor in inflation, Kim opined. While some job sectors shrink, some bloom due to AI's employability. Job roles such as data scientist, data

analyst, machine learning, Cloud Engineer, and stack developers will be in high demand for both Tech and Non-Tech sectors that aim to employ 11.15 lac tech Talent by FY 2027 from the current 7.65 lac employed. Experts opine that this impact is only in the beginning stage and can be effectively controlled by avoiding its impact on Constitutional Rights of the employees through legislative, organisational and ethical reforms.

VI. THE STATUS OF LEGAL REGULATIONS FOR AI IN INDIA

The National Strategy on AI, 2018 lacks specific provisions for protecting constitutional rights of workers. No provisions for addressing job displacement due to automation by AI, affecting career progression, transition to new roles, discriminatory practices in recruitment due to programming bias. There was no representation of workers in the development and implementation of the Strategy. The Principles for Responsible AI do not address how automation and AI would not displace jobs of low / semi – skilled workers. No protection for Right to Work principle recognised under Article 21 of the Constitution of India. Digital Personal Data Protection Act, 2023 only focusses on data collection, process and storage of data by AI systems. It does not contain specific provisions for avoiding bias/discrimination caused by AI. There are no provisions to address and restrict automated decision -making by AI. Also, there is no specific provision for protecting career opportunities and career progression of employees and labourers. No rights are conferred to persons affected by AI automated recruitment and performance appraisal systems. The entry – level workers are the most -affected. NITI Aayog's Guidelines on Ethical AI state that AI should not enhance unemployment and create inequality. It should be used only for skill – development processes.

(A) Constitutional AI Necessitated in India

In view of the above, to protect and uphold the constitutional rights of employers and labourers, with regard to their employment opportunities, career progress in an organisation, data protection in the case of employee surveillance by AI in the course of their employment, an exclusive Constitutional Framework would be a prospective solution to restrict the Intersection of AI with Constitutional Rights of human beings, especially with regard to their job opportunities. No task or work can be given exclusively to AI to act upon it in an autonomous manner without minimum human intervention. This would ensure that no job of a human being, especially in a labour – oriented country like India, would be replaced by AI and the only supervising and final approvals being given by the top – level management. Allowing AI to enter the field and then looking for ways to restrict it would be pointless, rather it should be stopped at the entry level itself.

VII. EMPIRICAL ANALYSIS

(A) Findings & Interpretation

An Empirical Study was conducted to find out the practical aspects of the impact of AI on Employment Opportunities. A survey in the form of Questionnaire was conducted among employees of various sectors. The study provides important new information about how AI is affecting employment in a variety of sectors and job categories. These results give a complex picture of AI's effects on the labour market by highlighting both the advantages and disadvantages of its adoption. AI has resulted in employment displacement, especially in industries where routine and repetitive tasks are essential. Automation has resulted in a net loss of jobs in manufacturing, transportation, and administrative roles. Even though AI has eliminated certain jobs, it has also helped create new ones in other industries, especially those that need highly skilled technical labour. The demand for people with experience in data science, AI ethics, and AI development has increased dramatically.

The labour market is becoming more polarised as a result of AI, with high-skill, high-wage occupations growing while low-skill, low-wage positions are still shrinking. Due to the rising automation of jobs once performed by mid-level workers, the category of middle-skill workers, who once comprised a sizable share of the labour force, is becoming smaller. As a result, there is now more wage disparity since people with experience in AI-related fields get paid more, while others who have been let off frequently find it difficult to find similar work. Concerns regarding the moral and societal ramifications of AI-driven employment displacement were raised by respondents. There have been discussions on issues including AI recruiting systems that are biassed, the loss of human oversight in crucial decision-making processes, and the possibility of long-term unemployment for low-skilled individuals.

Although AI has the ability to boost the economy, the study discovered that it also runs the risk of escalating social inequality in the absence of appropriate governmental measures. Respondents feel that the jobs of software developers, singers, dubbing artists, content writers, digital artists, translators customer service may be replaced by AI in the future.

While, most of the Respondents consider AI as beneficial for their official tasks completion, they also fear that AI may displace their jobs in the near future and they admit that they use data as it is from AI GPT's and complete their tasks. With this posing a potential threat directly to replace their jobs.

(B) Design Thinking

Design Thinking is an approach towards thinking solutions to problems that may not be

apparent per se, but, may have an impact in the due course of time. It is focused on creating a deep understanding of the minds of the population for whom the solution is being developed. In other words, it involves thinking from the position of the persons who are faced with the problems to which we are finding solutions.

It is about empathizing the needs of the target population for whom the solution is designed. It questions the existing assumptions and raises concerns about their validity in the present context. It tries to cultivate new ways of thinking ways that do not adhere to the prevailing or more typical problem-solving approaches, make meaningful inquiries and refute presumptions. Falsifying prior assumptions, or making it easy to establish whether they are true or false, is one aspect of thinking outside the box. Design thinking gives us a way to think creatively and deconstruct problems more thoroughly. It enables us to conduct the proper research, design prototypes, and test our goods and services in order to find fresh approaches to satisfy the demands of our customers. Design Thinking is a human-centered approach to solving complex problems through empathy, creativity, and iterative testing. The process involves five key steps:

1. Empathize: Understand users' needs, experiences, and emotions through research and observation.

2. Define: Synthesize insights to clearly define the problem in a user-focused way.

3. Ideate: Brainstorm a wide range of creative solutions without judgment.

4. Prototype: Build simple, low-cost prototypes to experiment with ideas.

5. Test: Gather user feedback on prototypes, refine the solution, and iterate.

The approach emphasizes collaboration, experimentation, and continuous refinement, ensuring that solutions are innovative and aligned with user needs.

In the field of Law, legislations are framed to be implemented upon the citizens of any country where they stand to operate. So, the legislations have to be in such a manner that they really address the root cause of problems and provide concrete remedies to the aggrieved parties. If design thinking is applied, then it would prevent future cases where the validity of the legislations would be put to question by using loopholes in them. Moreover, in reforming and mitigating the impact of AI on human employment opportunities, design thinking can play a vital role.

a. Design thinking – major works reviewed

Various research studies have been conducted in several areas about the need and

implementation of design thinking to reform that particular field. Empathize, Define, Ideate, Prototype, and Test are its five crucial processes. It is an exploratory human-centered approach. It holds that there are various approaches to problem-solving that are superior. It encompasses many different types of human-centered tasks, such as processes, services, interactions, entertainment forms, and means of communication and collaboration, and is not just restricted to the introduction of new physical objects. Few relevant works have been referred here.

"Design Thinking applied to the Redesign of Business Education", provides an introductory approach to the concept of design thinking and its possible role for the improvement of business education programmes through the presentation of a new framework: The D-Think Toolkit. "Customer and employee on a shared journey – Case Lapland Hotels, HumanSee", discusses how design thinking strategies were adopted to identify the connection points between the hotel and its customers that create value for the customer and communicate the mission of being "more than a hotel". "The Importance of Empathy in IT Projects: A Case Study on the Development of the German Electronic Identity Card", describes how disregarding the users' needs caused problems regarding the introduction of the electronic identity cards in Germany. "Design thinking in development engineering education: A case study on creating prosthetic and assistive technologies for the developing world", analyses the application of the human-centred DT approach at the MIT D-Lab on creating low-cost prosthetic and assistive devices for the developing world.

b. Design Thinking - Legal Approach

The mechanistic and conventional way of framing legislations have eroded the intent of the statutes themselves. There have been many instances where stringent provisions are needed in the legislation, but, they have been rephrased into lighter ones, reducing their severity. The reasons may be political, inclined towards corporates, legislators themselves may end up in committing activities that would be prohibited by the proposed legislation.

Corporate legal must ultimately develop its standard operating procedures and way of thinking. It needs to accept disruptive forces like legal technology, if not embrace them. It needs to consider how it will react to such rapid technological development, such as the aforementioned AI-based legal management systems. The problem-solving approach of legal design thinking presents a practical technique for addressing this and other "big concerns" for many legal practitioners. But keep in mind that legal design thinking is more than just a method that is becoming more popular. It is an all-encompassing perspective that incorporates the potential for innovation, coworkers' needs, and criteria for overall business success. It combines what is

ideal from a human standpoint with what is best. Cost pressure on law firms and legal departments is increasing as a result of the intense strain the legal sector is under to change. Additionally, certain innovative, frequently digital service models are undermining traditional legal counsel. Answers to these current developments, in particular how those involved in legal systems and providers of legal services should handle digitization and how the legal industry must act and develop in relation to the continuously changing expectations and behaviour of (legal) users/consumers when using services, can be found through the use of legal design methods. Finding a balance between what is legally required and the design-immanent creative freedom of legal material and tasks is the job of legal designers. A legal design project's implementation is correspondingly difficult and optimum multidisciplinary collaboration is required. The fact that there is (currently) no training in this field is a fundamental issue, making a change in legal education not just desirable but also imperative.

Using legal design thinking methods has many advantages, including placing the user at the centre of the solution, encouraging multidisciplinary collaboration, making it simpler to develop and test prototypes of ideas, and making it much simpler to provide feedback on whether an idea is satisfactory to the user or needs to be modified. Therefore, the need to empathize from the position of the victims or the persons who are facing the problems is necessary to bring in effective legislations. First, the different stakeholders who are involved need to be identified. Then, the issues faced by them need to be identified along with their wants. The next step would be brainstorming and testing the solution formulated.

Additionally, the legal design method revolves around looking at a certain issue from as many angles as you can. Additionally, it necessitates a spontaneous "yes-and" method of brainstorming potential answers as well as the resolve to put such ideas into action even at the risk of failure. Lawyers, however, would be well to avoid confusing this process with the result. Legal design thinking's fundamental nature is to employ intelligence and flexibility to solve the kinds of deadlocks that lawmakers and courts face today. But, in most of the cases, the above aspects are not taken into consideration when framing legislations.[2]

c. Integration of design thinking in the context of the topic

Design Thinking can be effectively used as a redressal mechanism and a tool to mitigate the impact of the Intersection of AI with Constitutional Rights. First, the impact of AI on Constitutional Rights and Employment Opportunities has to be assessed. This has been done

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[2] *The references to Design Thinking are taken from the author's own works on Design Thinking in the fields of Labour Laws and Tax Law Reforms which have been published.*

through the empirical study conducted. Based on the interpretations we can conclude that AI has a significant impact on the rights of the employees especially with regard to their creativity, innovation, decision – making skills and thereby affecting their productivity.

1. Empathize: Understand the concerns of individuals, communities, and workers affected by AI in the context of constitutional rights and employment.

Actions: Interview workers, legal experts, policymakers, and human rights activists to explore their perspectives on AI's impact on jobs and rights. Research how AI affects privacy, equality, and freedom in the workplace. Examine the emotional and socio-economic challenges faced by workers displaced by AI automation.

Outcome: A deep understanding of how AI affects individuals' rights, job security, and livelihoods.

2. Define: Clearly define the core challenges AI presents to human and constitutional rights, particularly in employment.

Actions: Frame a problem statement focusing on AI's potential to disrupt jobs while infringing on privacy, equality, and other fundamental rights. Identify gaps in current legal protections for workers affected by AI automation. A clear definition of the key legal and employment challenges at the intersection of AI and human rights.

3. Ideate: Brainstorm solutions to protect employment rights while fostering innovation with AI.

Actions: Generate creative ideas, such as new legal frameworks, ethical AI systems, and policies to protect workers' rights. Explore alternatives for retraining displaced workers and implementing AI without undermining human dignity and fairness.

Outcome: A list of potential legal, policy, and technological solutions to balance AI innovation with human rights and job security.

4. Prototype: Create models of legal frameworks, AI guidelines, or employment policies that address the intersection of AI and human rights.

Actions: Develop mock policies or prototypes of AI governance systems that ensure transparency, fairness, and human oversight in employment. Simulate how these solutions might work in various sectors affected by AI-driven automation.

Outcome: Prototypes of legal frameworks, ethical AI standards, or job protection programs that can be tested and refined.

5. Test: Test proposed solutions with stakeholders to gather feedback.

Actions: Present policies or AI governance systems to workers, legal experts, and AI developers for feedback. Measure the effectiveness of these solutions in protecting constitutional rights and addressing employment challenges. Refine solutions based on stakeholder input and ensure they are adaptable to different industries and legal contexts.

Outcome: Refined legal, technological, and policy solutions that safeguard human and employment rights in the age of AI.

VIII. CONCLUSION

Various works have highlighted that AI displaces jobs, but not methods to restrict the functioning of AI in the employment sector i.e., a framework like Constitutional AI. Automation powered by AI has the potential to eliminate jobs, which raises concerns about people's constitutional right to work and support themselves. This necessitates investigating whether workers displaced by technology are protected legally and how society responds to these disruptions. Biases may be reinforced by AI systems used in hiring and employee evaluations. What proactive measures can be implemented to guarantee that the introduction of AI into the workforce does not negatively affect the need for human labour? Large volumes of personal data are frequently used by AI systems, which raises privacy problems. How can personal privacy be safeguarded given the speed at which AI is developing? AI can help or hurt human decision-making when it comes to hiring. What effect does this have on employees' rights to fair treatment and autonomy? There are existing gaps in the legal framework to restrict this impact of AI. To ensure an uniform and fair legal framework, there needs to be a consensus among legislators, employers and employees to ensure that their rights are protected and no stakeholder is adversely affected, which is very challenging process and complex to achieve.

In view of the above, an exclusive Constitutional Framework could be a prospective solution to restrict the impact of AI on Constitutional and Human Rights, especially on job opportunities.

No task or job should be given to AI to exclusively act upon it in an autonomous manner. Completely automated decision making by AI affects human jobs and especially manual labour jobs which affects the labourers. Allowing AI to enter this field and then looking on ways to restrict it would be pointless. Rather, it should be stopped at the entry level and AI can be allowed to replace human beings only when it is remarkably multiple times better than humans and not equal. AI Programming should be regulated by a Committee with representatives from all groups of stakeholders involved. AI should not enhance unemployment and it only should

be used for employee skill – development processes.

Drawing inferences and guidelines in the international arena, AI is being integrated into businesses around the world at remarkable speed, underscoring the need for policymakers to act. To help countries craft the right policies, the International Monetary Fund (IMF) has developed an AI Preparedness Index that measures readiness in areas such as digital infrastructure, human-capital and labour-market policies, innovation and economic integration, and regulation and ethics. The human-capital and labour-market policies component, for example, evaluates elements such as years of schooling and job-market mobility, as well as the proportion of the population covered by social safety nets. The regulation and ethics component assesses the adaptability to digital business models of a country's legal framework and the presence of strong governance for effective enforcement. Using the index, IMF staff assessed the readiness of 125 countries. The findings reveal that wealthier economies, including advanced and some emerging market economies, tend to be better equipped for AI adoption than low-income countries, though there is considerable variation across countries. Singapore, the United States and Denmark posted the highest scores on the index, based on their strong results in all four categories tracked. AI can be allowed to replace human only when it is remarkably multiple times better that humans and not just equal.

United Nations Educational, Scientific and Cultural Organization Ethical AI Principles, United Nations High Commissioner for Human Rights reports, Organisation for Economic Co-operation and Development's AI Principles focuses on the following principles*: Human Rights and Dignity, Inclusion and Diversity, Data Protection and Privacy, Fairness and Non-Discrimination, Accountability and Governance, Inclusive Growth, Sustainable Development, and Well-Being, Human-Centered Values and Fairness, Robustness, Security, and Safety, Fostering a Skilled Workforce, International Collaboration,* which altogether point at Ethical AI development. Therefore, AI should not be allowed to violate the rights of human beings and it can never be a replacement to human minds and labour. The point where AI's role should not be allowed to proceed, has to be identified and AI's activities should be stopped at that point to balance the rights of the human workforce. AI has no humane touch, emotions and capability to understand practical difficulties and ground reality. Therefore, it has to be made to only **assist and enhance human activities and not replace them**.

(A) Recommendations and future directions

In view of the doctrinal analysis and the empirical study, the following Recommendations are proposed:

1. Implement a framework like Constitutional AI as adopted by Anthropic, so that the functioning of AI can be ensured to be within the ambit of constitutional values.

2. In executing such a framework, the steps in Design Thinking Process can be followed.

3. Using existing AI Models to train and develop new AI Models would be inappropriate and human feedback should be constantly involved to prevent biased decisions by AI like the Amazon Recruitment Model, autonomous vehicle crashes, etc., due to programming bias and accountability constraints.

4. AI being given complete autonomy to do tasks in place of humans would be impracticable in a labour – oriented economy like India. Therefore, AI should not be allowed to replace human jobs completely. It would outweigh the jobs generated in AI developing sectors as the jobs lost in the job displacement process would be comparatively higher.

5. If AI would have to replace human beings in the context of employment in labour – intensive jobs involving repetitive tasks, then there need to be effective means for transition of the displaced workers to other sectors.

6. Assist displaced workers in readjusting to new positions in the AI-driven economy, governments and corporations need to make significant investments in reskilling and upskilling efforts.

7. Re-skilling programmes have to be developed and funded by the same organisations that propose to use AI in place of humans and certain subsidies can be given to such organisations implementing re – skilling programmes.

8. Provide social security benefits similar to the Universal Basic Income to the displaced workers in case their jobs are taken over by AI.

9. AI completely taking over human jobs would affect salaries of workers at the low and semi – skilled tiers of employment, which would create a disparity in skillsets of workers. This would further result in concentration of employees at the higher grades, affecting career progression.

10. Conduct mandatory periodical bias audit checks to prevent bias resulted due to AI, especially when making automated decisions.

11. Provide a mechanism for people who are already aggrieved by decisions generated by AI to contest those decisions and make aware those who use AI for generating decisions affecting the rights of individuals, that they can be challenged in courts.

12. Restrict the use of AI in employee – surveillance to ensure a feeling of security and to boost their morale. Instead, apply usual appraisal techniques to monitor their performance.

13. Increase access to education in AI-related disciplines including robotics, software development, and data science. Universities and technical institutions can be encouraged by the government to develop specialised AI curriculum, credentials, and degree programs.

14. Government has to amend labour regulations to take AI's application in workforce management into consideration. This includes safeguards for gig economy labourers, guaranteeing that AI-powered platforms offer competitive pay, stable employment, and perks like health insurance and retirement plans.

15. Establish rules restricting the use of AI surveillance and monitoring systems in the workplace to avoid infringements on employees' rights to privacy and freedom from intrusive supervision.

16. Make sure that unions are able to bargain over matters pertaining to artificial intelligence, including automation in the workplace, working conditions, and employment terms

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