

The Moral Landscape Of Ai And Its Implications For Human Dignity

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ABSTRACT

Artificial Intelligence represents one of the most transformative technological developments of the 21st century, posing unprecedented challenges to the foundational concept of human dignity enshrined in international and domestic legal frameworks. This research paper examines the intersection between AI deployment and human dignity through the lens of international human rights law, including the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), and emerging AI-specific legislation such as the Council of Europe's Framework Convention on Artificial Intelligence (2024) and the European Union's AI Act (2024). The paper analyzes how AI systems impact fundamental rights to privacy, autonomy, non-discrimination, and personal dignity, with particular emphasis on Indian constitutional provisions under Article 21. Through doctrinal analysis and examination of recent legal developments, this study argues that human dignity must serve as the foundational principle for AI governance, requiring robust legal frameworks that balance technological innovation with the protection of inalienable human rights. The paper concludes with recommendations for a dignity-centric approach to AI regulation.

Keywords: Artificial Intelligence, Human Dignity, AI Regulation, Human Rights Law, Data Protection

2. INTRODUCTION

The advent of Artificial Intelligence has ushered humanity into an era of unprecedented technological capability, fundamentally altering the relationship between humans and machines. From healthcare diagnostics to criminal justice systems, from employment decisions to social welfare distribution, AI systems increasingly mediate critical aspects of human life. However, this technological revolution raises profound moral and legal questions about the preservation of human dignity a concept that has served as the cornerstone of modern human rights frameworks since the aftermath of World War II. Human dignity, as articulated in Article 1 of the Universal Declaration of Human Rights (UDHR), proclaims that "all human beings are born free and equal in dignity and rights."¹ This principle, subsequently elaborated in the International Covenant on Civil and Political Rights (ICCPR) and countless national constitutions, represents more than a mere abstract ideal; it embodies the recognition that every individual possesses intrinsic worth that must be respected and protected by state and non-state actors alike.

The deployment of AI systems challenges this foundational principle in multiple dimensions. Algorithmic decision-making processes often operate as "black boxes," denying individuals transparency about how decisions affecting their lives are made. Facial recognition technologies threaten privacy and enable mass surveillance. Automated profiling systems risk perpetuating and amplifying existing societal biases, leading to discrimination based on race, gender, or socioeconomic status. Social credit systems and behavioral prediction algorithms reduce complex human personalities to quantifiable data points, potentially undermining individual autonomy and the freedom to develop one's personality. Recognizing these challenges, the international community has begun developing legal frameworks specifically addressing AI's impact on human rights. In 2024, the Council of Europe adopted the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law the world's first legally binding international treaty on AI.² This landmark instrument, opened for signature on September 5, 2024, establishes that activities within the lifecycle of AI systems must be fully consistent with human rights, democracy, and the rule of law. Similarly, the European Union's Artificial Intelligence Act (Regulation (EU) 2024/1689), which entered into force on August 1, 2024, represents the first comprehensive legal framework on AI worldwide, explicitly grounding its provisions in the protection of fundamental rights and human dignity.³

In India, the constitutional guarantee of human dignity finds expression primarily through Article 21 of the Constitution, which protects the right to life and personal liberty. The Supreme Court of India has consistently

¹ Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948), art. 1.

² Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, opened for signature Sept. 5, 2024, CETS No. 225.

³ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence, O.J. (L) 2024/1689.

interpreted this provision expansively, holding that the right to life encompasses the right to live with human dignity.⁴ In the landmark case of *Maneka Gandhi v. Union of India* (1978), the Court established that Article 21 protects not merely physical existence but ensures a life of dignity with all its attributes. Furthermore, India's Digital Personal Data Protection Act, 2023 (DPDPA), while not explicitly addressing AI, establishes principles for data processing that directly impact how AI systems handle personal information.⁵ This research paper examines the moral and legal landscape surrounding AI's implications for human dignity. It analyzes international human rights instruments, regional legal frameworks, and domestic constitutional provisions to understand how existing law addresses or fails to address the unique challenges posed by AI technologies. The paper argues that human dignity must serve not merely as one principle among many, but as the foundational concept guiding AI governance, requiring robust legal frameworks that ensure technological development serves human flourishing rather than undermining it.

2. OBJECTIVES

1. To critically examine how AI deployment intersects with human dignity under international, regional (EU and Council of Europe), and Indian legal frameworks, positioning dignity as the core principle of AI governance.
2. To assess current AI regulations and propose a dignity-centered framework that harmonizes innovation with the protection of fundamental rights and individual autonomy.

3. HUMAN DIGNITY AS A FOUNDATIONAL LEGAL PRINCIPLE

The Concept of Human Dignity in International Law

Human dignity occupies a unique position in the hierarchy of human rights it is simultaneously a right in itself and the foundational source from which all other rights derive. The concept's modern legal articulation emerged from the ashes of World War II, as the international community sought to establish universal principles that would prevent the recurrence of the atrocities that had shocked humanity's conscience. The Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948, places human dignity at its very foundation. The Preamble declares: "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."⁶ Article 1 then proclaims: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."⁷ This emphasis on dignity was not accidental. The UDHR's drafters, including Eleanor Roosevelt, René Cassin, Charles Malik, and others, understood that dignity represented more than a Western philosophical concept it embodied a universal recognition of each person's intrinsic worth.⁸ As former UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein observed, these opening words of Article 1 are "perhaps the most resonant and beautiful words of any international agreement," underlining that "human rights are not a reward for good behavior" but the entitlement of all people at all times.⁹

The International Covenant on Civil and Political Rights (ICCPR), adopted in 1966 and entered into force in 1976, further elaborates on the principle of human dignity. Article 10(1) explicitly states: "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."¹⁰ Throughout the ICCPR, dignity serves as both an explicit right and an implicit foundation for provisions ranging from the prohibition of torture (Article 7) to the right to privacy (Article 17) and freedom of thought, conscience, and religion (Article 18). In European law, human dignity holds constitutional significance. Article 1 of the Charter of Fundamental Rights of the European Union declares: "Human dignity is inviolable. It must be respected and protected."¹¹ The European Court of Justice has consistently held that dignity constitutes not only a fundamental right in itself but also

⁴ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India).

⁵ The Digital Personal Data Protection Act, 2023, No. 22 of 2023, Acts of Parliament, 2023 (India).

⁶ Universal Declaration of Human Rights, *supra* note 1, Preamble.

⁷ *Id.* art. 1.

⁸ Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (2001).

⁹ Office of the United Nations High Commissioner for Human Rights, Universal Declaration of Human Rights at 70: Article 1 (Nov. 8, 2018), <https://www.ohchr.org/en/press-releases/2018/11/universal-declaration-human-rights-70-30-articles-30-articles-article-1>.

¹⁰ International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171, art. 10(1).

¹¹ Charter of Fundamental Rights of the European Union, 2012 O.J. (C 326) 391, art. 1.

the real basis of fundamental rights, emphasizing that none of the rights laid down in the Charter may be used to harm the dignity of another person.¹²

Human Dignity in Indian Constitutional Law

The Indian Constitution, adopted in 1950, does not explicitly use the term "dignity" in its text. However, the Supreme Court of India has, through progressive judicial interpretation, firmly established human dignity as an integral component of the fundamental rights guaranteed under Part III of the Constitution, particularly Article 21. Article 21 of the Indian Constitution states: "No person shall be deprived of his life or personal liberty except according to procedure established by law."¹³ While this text appears narrow, focusing merely on procedural safeguards, the Supreme Court has transformed it into one of the most expansive and powerful provisions in the Constitution. The watershed moment came in *Maneka Gandhi v. Union of India* (1978), where the Supreme Court held that the right to life under Article 21 is not limited to mere animal existence but includes the right to live with human dignity and all that goes along with it.¹⁴ Justice Bhagwati observed: "The procedure established by law must be 'right and just and fair' and not arbitrary, fanciful or oppressive."

In *Francis Coralie Mullin v. Union Territory of Delhi* (1981), the Supreme Court further elaborated this principle, holding that the right to life includes "all those aspects of life which go to make a person's life meaningful, complete and worth living."¹⁵ The Court explicitly stated that every person has the right to live with human dignity, encompassing the bare necessities of life such as adequate nutrition, clothing, shelter, facilities for reading, writing, and expressing oneself in diverse forms. The Supreme Court has consistently reaffirmed this dignity-centric interpretation of Article 21 across diverse contexts. In *Olga Tellis v. Bombay Municipal Corporation* (1985), the Court held that the right to livelihood is an essential component of the right to life, as no person can live without the means of living.¹⁶ In *Vishakha v. State of Rajasthan* (1997), the Court recognized that sexual harassment in the workplace violates a woman's fundamental right to equality, life, and liberty under Articles 14, 15, 19, and 21, as it undermines her dignity.¹⁷ More recently, in *Justice K.S. Puttaswamy v. Union of India* (2017), a nine-judge Constitutional Bench unanimously recognized the right to privacy as a fundamental right protected under Article 21.¹⁸ The Court held that privacy is an essential aspect of human dignity and individual autonomy, stating: "The sanctity of privacy lies in its functional relationship with dignity." This landmark judgment has profound implications for AI governance, as AI systems often involve extensive processing of personal data, posing significant privacy risks.

In *Navtej Singh Johar v. Union of India* (2018), while decriminalizing consensual homosexual acts between adults, the Supreme Court provided a comprehensive understanding of human dignity. The Court defined dignity as encompassing "full personhood" and including "the right to carry such functions and activities as would constitute the meaningful expression of the human self."¹⁹ This expansive interpretation recognizes that dignity includes control over one's intimate relations and the freedom to make fundamental choices about one's life. In *Common Cause v. Union of India* (2018), the Supreme Court legalized passive euthanasia and recognized the right to die with dignity as a fundamental right under Article 21.²⁰ The Court observed that individuals have the right to refuse medical treatment, affirming that the right to life with dignity extends to the manner of dying. These judicial pronouncements establish that Indian constitutional law firmly grounds fundamental rights in the principle of human dignity. This jurisprudential foundation provides a robust framework for evaluating AI systems' impact on constitutional rights, as any AI application that undermines human dignity would potentially violate Article 21.

4. THE CHALLENGE OF AI TO HUMAN DIGNITY

Autonomy and Algorithmic Decision-Making

One of the fundamental aspects of human dignity is individual autonomy the capacity to make informed choices about one's life and to exercise agency in matters affecting oneself. AI systems, particularly those employing machine learning algorithms, increasingly make or substantially influence decisions that profoundly impact individuals' lives,

¹² Case C-377/98, *Netherlands v. Parliament and Council*, 2001 E.C.R. I-7079, ¶¶ 70-77.

¹³ INDIA CONST. art. 21.

¹⁴ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (India).

¹⁵ *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608 (India).

¹⁶ *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545 (India).

¹⁷ *Vishakha v. State of Rajasthan*, (1997) 6 SCC 241 (India).

¹⁸ *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1 (India).

¹⁹ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

²⁰ *Common Cause v. Union of India*, (2018) 5 SCC 1 (India).

potentially undermining this autonomy. The opacity of many AI systems often referred to as the "black box" problem presents a direct challenge to human dignity. When algorithms determine credit worthiness, employment suitability, educational opportunities, or even criminal sentencing, yet individuals cannot understand or challenge the basis of these decisions, their autonomy is fundamentally compromised. The UNESCO Recommendation on the Ethics of Artificial Intelligence emphasizes that "persons should never be objectified, nor should their dignity be otherwise undermined, or human rights and fundamental freedoms violated or abused" through interactions with AI systems.²¹ The Council of Europe's Framework Convention on Artificial Intelligence addresses this concern by establishing transparency and oversight as fundamental principles. Article 8 requires parties to ensure adequate transparency regarding AI systems, stating that information provided must be sufficient to enable affected persons to challenge decisions made through or substantially based on the system.²² However, critics note that current transparency provisions may be insufficient, as technical explanations of algorithmic operations may not provide meaningful understanding to ordinary individuals.²³

Privacy and Surveillance

Privacy represents a crucial dimension of human dignity, protecting the sphere within which individuals can develop their personality, maintain intimate relationships, and exercise freedom of thought without fear of surveillance or interference. AI-powered surveillance technologies threaten this dimension of dignity on an unprecedented scale. Facial recognition systems, when deployed in public spaces, enable continuous monitoring of individuals' movements and associations. The European Union's AI Act addresses this concern by prohibiting real-time remote biometric identification systems in publicly accessible spaces for law enforcement purposes, subject to limited exceptions.²⁴ However, exemptions for national security and defense create significant loopholes that could undermine these protections. The connection between privacy and dignity is explicitly recognized in European data protection law. The General Data Protection Regulation (GDPR), while not primarily focused on AI, establishes principles that directly impact AI systems processing personal data. Recital 1 of the GDPR states that the protection of personal data is a fundamental right, while Article 88 specifically mentions "suitable and specific measures to safeguard the data subject's human dignity" in the employment context.²⁵

The European Data Protection Supervisor has emphasized that "respect for, and the safeguarding of, human dignity could be the counterweight to the pervasive surveillance and asymmetry of power which now confronts the individual."²⁶ This recognition underscores that data protection law, at its core, serves to protect human dignity in the digital age. In India, the Digital Personal Data Protection Act, 2023, establishes a framework for protecting personal data but does not explicitly address AI systems.²⁷ The Act requires data fiduciaries to process personal data only with consent or for specified legitimate uses, implement security measures, and respect data principals' rights to access, correction, and erasure.²⁸ However, the Act's effectiveness in protecting dignity in the AI context remains uncertain, particularly given broad exemptions for government agencies and the absence of specific provisions addressing algorithmic transparency or automated decision-making.

Discrimination and Bias

AI systems, when trained on historical data reflecting societal biases or when designed with inadequate attention to fairness, can perpetuate and amplify discrimination, violating the principle of equal dignity for all persons. Numerous documented cases illustrate this problem: facial recognition systems showing higher error rates for women and people of color, hiring algorithms discriminating against female candidates, and predictive policing tools disproportionately targeting minority communities. The principle of non-discrimination is fundamental to human dignity. The UDHR's

²¹ UNESCO Recommendation on the Ethics of Artificial Intelligence, adopted Nov. 23, 2021, UNESCO Doc. 41 C/Resolution 64, 15.

²² Council of Europe Framework Convention, *supra* note 2, art. 8.

²³ Algorithm Watch, EU's AI Act Fails to Set Gold Standard for Human Rights (Apr. 3, 2024), <https://algorithmwatch.org/en/ai-act-fails-to-set-gold-standard-for-human-rights/>.

²⁴ Regulation (EU) 2024/1689, *supra* note 3, art. 5.

²⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data, 2016 O.J. (L 119) 1 [hereinafter GDPR], recital 1, art. 88.

²⁶ European Data Protection Supervisor, Opinion 4/2015: Towards a New Digital Ethics (Sept. 11, 2015).

²⁷ The Digital Personal Data Protection Act, 2023, *supra* note 6.

²⁸ *Id.* §§ 4-11.

Article 2 states that everyone is entitled to all rights and freedoms "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."²⁹ The ICCPR similarly prohibits discrimination and requires equal protection of the law (Articles 2 and 26).³⁰ The EU AI Act addresses algorithmic discrimination by classifying certain AI use cases as high-risk, including those involving education, employment, essential services, law enforcement, migration, and justice administration.³¹ High-risk AI systems must undergo conformity assessments, maintain technical documentation, ensure human oversight, and meet accuracy, robustness, and cybersecurity requirements.³² However, critics argue that the Act's risk-based approach may inadequately address systemic discrimination, as the effectiveness of these provisions depends heavily on implementation and enforcement.³³ The Council of Europe Framework Convention requires parties to ensure that AI systems do not result in discrimination and explicitly mandates respect for equality and non-discrimination principles (Article 9).³⁴ However, the Convention's framework nature, leaving detailed implementation to domestic law, raises questions about whether it will effectively prevent algorithmic discrimination in practice.

5. INTERNATIONAL AND REGIONAL LEGAL FRAMEWORKS FOR AI GOVERNANCE

The Council of Europe Framework Convention on Artificial Intelligence

The Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, finalized on March 15, 2024, and opened for signature on September 5, 2024, represents a historic milestone as the world's first legally binding international treaty addressing AI's impact on human rights.³⁵ Unlike the EU AI Act, which applies only within the European Union, the Framework Convention is open to all states, including non-Council of Europe members. The Convention was negotiated with participation from 46 Council of Europe member states, the European Union, and eleven non-European countries including the United States, Canada, Japan, Mexico, Israel, Argentina, Australia, Costa Rica, Peru, Uruguay, and the Holy See.³⁶ Additionally, 68 representatives from civil society, academia, and industry actively contributed to its development, ensuring multi-stakeholder input.

Fundamental Principles: The Convention establishes seven fundamental principles that must govern activities throughout the AI system lifecycle:

1. Respect for human dignity and individual autonomy (Article 7): Parties must ensure AI systems respect human dignity, requiring that individuals are not objectified or subjected to manipulative or exploitative practices.³⁷
2. Transparency and oversight (Article 8): Information about AI systems must be adequate, accessible, and timely, enabling meaningful oversight and accountability.³⁸
3. Accountability and responsibility (Article 10): Clear allocation of responsibility throughout the AI lifecycle, ensuring that affected persons have effective remedies.³⁹
4. Equality and non-discrimination (Article 9): AI systems must not result in discrimination, with specific attention to vulnerable groups.⁴⁰
5. Privacy and personal data protection (Article 11): Processing of personal data through AI must comply with data protection obligations, respecting privacy rights.⁴¹

²⁹ Universal Declaration of Human Rights, *supra* note 1, art. 2.

³⁰ International Covenant on Civil and Political Rights, *supra* note 11, arts. 2, 26.

³¹ Regulation (EU) 2024/1689, *supra* note 3, Annex III.

³² *Id.* arts. 8-15.

³³ Algorithm Watch, *supra* note 27.

³⁴ Council of Europe Framework Convention, *supra* note 2, art. 9.

³⁵ Council of Europe, The Framework Convention on Artificial Intelligence (2024), <https://www.coe.int/en/web/artificial-intelligence/the-framework-convention-on-artificial-intelligence>.

³⁶ European External Action Service, Text of First Legally Binding Global Instrument to Address Risks Posed by Artificial Intelligence Finalised (Mar. 20, 2024), https://www.eeas.europa.eu/delegations/council-europe/text-first-legally-binding-global-instrument-address-risks-posed-artificial-intelligence-finalised_en.

³⁷ Council of Europe Framework Convention, *supra* note 2, art. 7.

³⁸ *Id.* art. 8.

³⁹ *Id.* art. 10.

⁴⁰ *Id.* art. 9.

⁴¹ *Id.* art. 11.

6. Reliability and safety (Article 12): AI systems must function reliably and safely throughout their lifecycle.⁴²
7. Safe innovation and experimentation: Balancing innovation with protection of rights.⁴³

Risk-Based Approach: The Convention adopts a risk-based approach, focusing on AI systems that pose potential risks to human rights, democracy, and the rule of law. Parties must conduct iterative risk and impact assessments and establish prevention and mitigation measures.⁴⁴ Significantly, the Convention allows parties to introduce bans or moratoria on certain AI applications so-called "red lines."⁴⁵

Scope and Exceptions: The Convention covers both public authorities and private actors. For private actors, parties may choose either to be directly bound by Convention provisions or to take alternative measures complying with its principles while respecting international human rights obligations.⁴⁶ However, the Convention includes broad exceptions for national security, defense, and research and development activities (except when testing could interfere with rights).⁴⁷ Critics argue these exceptions could create significant loopholes undermining the Convention's protective intent.⁴⁸

Enforcement Mechanism: The Convention establishes a Conference of the Parties to monitor implementation and ensure compliance.⁴⁹ However, it lacks the robust enforcement mechanisms found in some other international human rights treaties, raising questions about its practical effectiveness.

The European Union Artificial Intelligence Act

The European Union's Artificial Intelligence Act (Regulation (EU) 2024/1689), adopted on May 21, 2024, and entered into force on August 1, 2024, represents the world's first comprehensive regulatory framework specifically designed for AI.⁵⁰ The Act explicitly grounds its provisions in the Charter of Fundamental Rights of the European Union, emphasizing human dignity, equality, non-discrimination, privacy, data protection, and other fundamental rights.⁵¹

Prohibited Practices: The Act establishes eight categories of AI practices deemed unacceptable threats to safety and fundamental rights, including:

- Subliminal manipulation techniques causing physical or psychological harm
- Exploiting vulnerabilities of specific groups
- Social scoring systems for general purposes by public authorities
- Real-time remote biometric identification in publicly accessible spaces for law enforcement (with limited exceptions)
- Untargeted scraping of facial images from the internet or CCTV to create facial recognition databases
- Emotion recognition in workplaces and educational institutions
- Biometric categorization to infer sensitive characteristics
- Predictive policing based solely on profiling or personality traits⁵²

High-Risk AI Systems: The Act classifies certain AI applications as high-risk, subjecting them to strict requirements including:

- Risk management systems and data governance measures
- Technical documentation and record-keeping
- Transparency and information provision to users
- Human oversight provisions
- Accuracy, robustness, and cybersecurity standards
- Conformity assessments before market placement⁵³

⁴² *Id.* art. 12.

⁴³ *Id.* art. 13.

⁴⁴ *Id.* art. 16.

⁴⁵ *Id.* art. 6.

⁴⁶ *Id.* art. 4.

⁴⁷ *Id.* arts. 3, 5.

⁴⁸ Gibson Dunn, Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy, and the Rule of Law (June 13, 2024), <https://www.gibsondunn.com/council-of-europe-framework-convention-on-artificial-intelligence-and-human-rights-democracy-and-rule-of-law/>.

⁴⁹ Council of Europe Framework Convention, *supra* note 2, art. 23.

⁵⁰ Regulation (EU) 2024/1689, *supra* note 3.

⁵¹ *Id.* recitals 1, 27.

⁵² *Id.* art. 5.

⁵³ *Id.* arts. 8-15.

High-risk categories include AI systems used in critical infrastructure, education, employment, essential services, law enforcement, migration, and justice administration.⁵⁴

General Purpose AI (GPAI) Models: The Act regulates GPAI models, including those with systemic risk, requiring providers to maintain technical documentation, comply with copyright law, and publish training content summaries.⁵⁵ For systemic risk models, additional requirements include model evaluation, adversarial testing, incident tracking, and cybersecurity measures.⁵⁶

Governance and Enforcement: The Act establishes the European AI Office, national supervisory authorities, and the European Artificial Intelligence Board to oversee implementation.⁵⁷ Penalties for non-compliance range from €7.5 million to €35 million or 1.5% to 7% of global annual turnover, whichever is higher.⁵⁸

Critique and Limitations: Despite its comprehensive scope, civil society organizations have criticized the AI Act for failing to establish a "gold standard" for human rights protection.⁵⁹ Specific concerns include inadequate restrictions on biometric surveillance, insufficient protection for migrants and asylum seekers, weak enforcement mechanisms, and broad national security exemptions. The Act's double standard applying stricter requirements to AI affecting EU residents while allowing looser standards for systems impacting people outside the EU has also drawn criticism.

UNESCO Recommendation on the Ethics of Artificial Intelligence

The UNESCO Recommendation on the Ethics of Artificial Intelligence, adopted on November 23, 2021, by 193 member states, provides a global ethical framework for AI development and deployment.⁶⁰ While not legally binding, the Recommendation represents unprecedented international consensus on AI ethics. The Recommendation identifies ten core values, with human rights and human dignity listed first: "Respect, protection and promotion of human rights and fundamental freedoms and human dignity."⁶¹ It emphasizes that AI technologies should serve humanity and provide benefits to all countries, while addressing fundamental ethical concerns including bias, discrimination, and threats to privacy.⁶² Significantly, the Recommendation states: "Persons may interact with AI systems throughout their life cycle and receive assistance from them, such as care for vulnerable people or people in vulnerable situations. Within such interactions, persons should never be objectified, nor should their dignity be otherwise undermined, or human rights and fundamental freedoms violated or abused."⁶³

6. DATA PROTECTION AND AI: THE DIGNITY-PRIVACY NEXUS

GDPR and the Foundation of Data Dignity

The General Data Protection Regulation (GDPR), while predating comprehensive AI legislation, establishes crucial principles that impact AI systems processing personal data. The GDPR explicitly grounds data protection in human dignity. As scholars have noted, "despite its almost invisible presence in the GDPR, human dignity is the fundamental concept that provides the framework within which one needs to interpret what the GDPR understands by informational privacy."⁶⁴ The historical roots of European data protection law trace back to the Holocaust, when personal data of Jewish citizens was systematically exploited for persecution. This historical trauma embedded the link between privacy, data protection, and human dignity deep within European legal consciousness.⁶⁵ The European Convention on Human Rights (1950) established the right to privacy (Article 8), subsequently extended to encompass data protection.⁶⁶ Article 88 of the GDPR explicitly requires that rules governing employee data processing "shall include suitable and specific measures to safeguard the data subject's human dignity, legitimate interests and fundamental

⁵⁴ *Id.* Annex III.

⁵⁵ *Id.* art. 53.

⁵⁶ *Id.* art. 55.

⁵⁷ *Id.* arts. 56-64.

⁵⁸ *Id.* art. 99.

⁵⁹ Algorithm Watch, *supra* note 27.

⁶⁰ UNESCO Recommendation, *supra* note 25.

⁶¹ *Id.* 12.

⁶² *Id.* Preamble.

⁶³ *Id.* 15.

⁶⁴ Luciano Floridi, *On Human Dignity as a Foundation for the Right to Privacy*, 6 PHIL. & TECH. 307, 308 (2016).

⁶⁵ James Q. Whitman, *The Two Western Cultures of Privacy: Dignity Versus Liberty*, 113 YALE L.J. 1151, 1161-66 (2004).

⁶⁶ European Convention for the Protection of Human Rights and Fundamental Freedoms, Nov. 4, 1950, 213 U.N.T.S. 221, art. 8.

rights."⁶⁷ This provision represents one of the few explicit mentions of dignity in the GDPR, underscoring the special vulnerability of employment relationships where power asymmetries threaten individual dignity.

India's Digital Personal Data Protection Act, 2023

India's Digital Personal Data Protection Act, 2023 (DPDPA), received presidential assent on August 11, 2023, establishing India's first comprehensive data protection framework.⁶⁸ The Act emerged following the Supreme Court's recognition of privacy as a fundamental right in *Justice K.S. Puttaswamy v. Union of India* (2017).⁶⁹

The DPDPA regulates processing of digital personal data within India and processing outside India if related to offering goods or services to individuals in India.⁷⁰ The Act establishes:

1. **Consent Requirements:** Data fiduciaries must obtain free, specific, informed, unconditional, and unambiguous consent before processing personal data, unless processing falls under specified legitimate uses.⁷¹
2. **Data Principal Rights:** Individuals have rights to access their data, seek correction and erasure, nominate representatives, and file grievances.⁷²
3. **Data Fiduciary Obligations:** Entities must implement appropriate security measures, honor data principal requests, delete data when no longer needed, and notify breaches.⁷³
4. **Significant Data Fiduciaries:** The government may designate certain entities as significant data fiduciaries, requiring them to appoint Data Protection Officers, conduct impact assessments, and undergo independent audits.⁷⁴

Limitations and Concerns: Despite these provisions, the DPDPA has faced criticism:

- **Broad Government Exemptions:** The Act allows the government to exempt any provision's application to data fiduciaries for up to five years without clear criteria, creating significant discretionary power.⁷⁵
- **Absence of AI-Specific Provisions:** Unlike the EU AI Act, the DPDPA does not address algorithmic transparency, automated decision-making, or AI-specific risks to fundamental rights.⁷⁶
- **Weak Regulatory Independence:** The Data Protection Board, while empowered to adjudicate disputes and impose penalties, may lack the independence of EU Data Protection Authorities, potentially compromising enforcement effectiveness.

Implications for AI and Dignity: While the DPDPA establishes important data protection principles, its effectiveness in protecting human dignity in the AI context remains uncertain. The Act's focus on consent-based processing may prove inadequate for AI systems that process data in ways individuals cannot meaningfully anticipate or understand. Moreover, the absence of provisions addressing algorithmic bias, discriminatory outcomes, or automated decision-making limits its capacity to address AI's specific threats to dignity.

7. ENFORCEMENT CHALLENGES AND GAPS

Despite the proliferation of legal frameworks addressing AI's impact on human rights, significant enforcement challenges and gaps persist:

1. **Extraterritorial Application and Jurisdiction:** AI systems often operate across borders, raising complex jurisdictional questions. While instruments like the EU AI Act claim extraterritorial effect for systems affecting EU residents, enforcement against entities lacking EU presence remains problematic.⁷⁷

⁶⁷ GDPR, *supra* note 29, art. 88.

⁶⁸ The Digital Personal Data Protection Act, 2023, *supra* note 6.

⁶⁹ *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1 (India).

⁷⁰ The Digital Personal Data Protection Act, 2023, *supra* note 6, § 2.

⁷¹ *Id.* § 6.

⁷² *Id.* § 11.

⁷³ *Id.* §§ 8-10.

⁷⁴ *Id.* § 10.

⁷⁵ *Id.* § 18.

⁷⁶ Rishab Bailey & Vrinda Bhandari, *Understanding India's New Data Protection Law*, Carnegie Endowment for International Peace (Oct. 25, 2023), <https://carnegieendowment.org/research/2023/10/understanding-indias-new-data-protection-law>.

⁷⁷ Regulation (EU) 2024/1689, *supra* note 3, art. 2.

2. **Technical Complexity and Regulatory Capacity:** Assessing AI system compliance requires specialized technical expertise that many regulatory authorities lack. The rapid pace of AI development further compounds this challenge, as regulations may become obsolete before implementation.⁷⁸
3. **National Security Exemptions:** Broad national security exceptions in both the Council of Europe Framework Convention and EU AI Act create significant loopholes, potentially allowing states to deploy rights-infringing AI systems without meaningful oversight.⁷⁹
4. **Private Sector Self-Regulation Gaps:** While some companies have adopted voluntary AI ethics principles, the absence of mandatory standards and enforcement mechanisms limits their effectiveness in protecting human dignity.⁸⁰
5. **Remedies and Redress:** Access to effective remedies remains inadequate. The EU AI Act provides for complaints to supervisory authorities and compensation for damages, but practical obstacles including information asymmetries, technical complexity, and power imbalances may prevent individuals from effectively vindicating their rights.⁸¹

8. CONCLUSION

The moral landscape of artificial intelligence presents humanity with a defining challenge: whether technological advancement will enhance or erode human dignity. As this paper has demonstrated, AI systems possess unprecedented capacity to impact fundamental aspects of human existence our autonomy, privacy, equality, and very sense of personhood. The stakes could not be higher: AI technologies threaten to reduce complex human beings to algorithmic outputs, subjecting individuals to opaque decision-making processes, enabling mass surveillance, perpetuating discrimination, and undermining the agency essential to human dignity. International and regional legal frameworks have begun responding to these challenges. The Council of Europe's Framework Convention on Artificial Intelligence represents a historic commitment to ensuring AI systems respect human rights, democracy, and the rule of law. The European Union's AI Act provides the world's first comprehensive regulatory framework, explicitly grounding AI governance in fundamental rights and human dignity. UNESCO's Recommendation establishes global ethical consensus placing human dignity at the center of AI development. Yet significant gaps and challenges persist: broad national security exemptions, weak enforcement mechanisms, inadequate remedies for affected individuals, and the rapid pace of technological change that outstrips regulatory capacity.

In India, constitutional jurisprudence has firmly established human dignity as integral to the right to life under Article 21. From *Maneka Gandhi to K.S. Puttaswamy*, the Supreme Court has consistently held that life encompasses more than mere existence—it includes the right to live with dignity, encompassing privacy, autonomy, livelihood, health, and freedom from discrimination. This robust constitutional foundation provides powerful tools for addressing AI's impact on fundamental rights. However, legislative frameworks remain inadequate: the Digital Personal Data Protection Act, 2023, while establishing important data protection principles, lacks AI-specific provisions addressing algorithmic transparency, bias, discrimination, and automated decision-making. The path forward requires recognizing that human dignity must serve not as one principle among many, but as the foundational bedrock of AI governance. Every AI system, every algorithm, every automated decision must be evaluated against a fundamental question: Does it respect and protect human dignity, or does it reduce persons to mere data points, objects of manipulation, or subjects of control? This dignity-centric approach demands comprehensive legal reforms: mandatory human rights impact assessments, algorithmic transparency requirements, categorical prohibitions on dignity-violating applications, strengthened enforcement mechanisms, and dignity-by-design mandates.

Ultimately, the challenge of AI and human dignity transcends law. It requires a societal commitment to ensuring that technological development serves human flourishing. As the UN High Commissioner for Human Rights emphasized, "the human rights framework provides an essential foundation that can provide guardrails for efforts to exploit the enormous potential of AI, while preventing and mitigating its enormous risks. The moral imperative is clear: We must build AI systems that recognize every person's inherent worth, respect individual autonomy, ensure equality, protect privacy, and enable human beings to live lives of dignity. Nothing less will suffice.

⁷⁸ Francesca Rossi, Building Trust in Artificial Intelligence, 5 J. INT'L AFF. 64, 70-72 (2019).

⁷⁹ Gibson Dunn, *supra* note 53.

⁸⁰ High Commissioner for Human Rights, Artificial Intelligence Must Be Grounded in Human Rights (July 13, 2023), <https://www.ohchr.org/en/statements/2023/07/artificial-intelligence-must-be-grounded-human-rights-says-high-commissioner>.

⁸¹ Algorithm Watch, *supra* note 27.