

CONSTITUTIONAL REFLECTIONS ON ALGORITHMIC HIRING BIAS: EXTENDING ARTICLE 15 TO THE DIGITAL AGE

Tej Jahangirdar

Ph.D. Research Scholar at D.E.S. Shri Navalmal Firodia Law College Pune
Affiliated to Savitribai Phule Pune University

DOI: <https://doi.org/10.34293/shanlax.9789361634130.ch011>

Abstract

Artificial Intelligence (AI) has increasingly permeated employment processes across the globe. From resume shortlisting to video interview assessments, AI-driven tools are deployed in modern recruitment to enhance speed, efficiency, and cost-effectiveness. Yet, these same systems have raised pressing concerns about fairness and discrimination. Trained on historically biased data, hiring algorithms can systematically disadvantage certain groups – particularly women, caste minorities, and marginalized communities. Such practices are not only socially unjust but constitutionally suspect in India, where Article 15 expressly prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. This paper critically examines algorithmic hiring bias through the constitutional lens of Article 15, situating it within the broader framework of equality jurisprudence in India. It explores whether discrimination perpetuated by machines can be equated with human discrimination, and how constitutional protections may be extended into the digital realm. Drawing on Indian case law, comparative global regulatory experiences (such as the EU AI Act and U.S. Equal Employment Opportunity laws), and policy debates, the paper argues that algorithmic hiring must be brought within the purview of constitutional equality. It concludes with proposals for a hybrid framework – judicial recognition of digital discrimination under Article 15, coupled with statutory regulation mandating transparency, accountability, and fairness in recruitment algorithms.

Keywords: Algorithmic Hiring Bias, Article 15, Equality Jurisprudence, Artificial Intelligence, Digital Discrimination, Employment Law, Constitutional Rights

1. Introduction

1.1 Setting the Context

The hiring process is among the most significant determinants of socio-economic mobility. In India, where employment opportunities often dictate access to dignity and livelihood, fairness in recruitment is a constitutional and moral imperative. The increasing use of AI-based hiring systems such as automated resume scanners, chatbots, and video analysis platforms has altered recruitment practices in both the public and private sectors. Companies in Bengaluru's tech industry, as well as multinational corporations in Mumbai and Delhi, have already integrated algorithmic hiring solutions to streamline large-scale recruitment. While these technologies promise efficiency, they also risk perpetuating deep-rooted societal inequities. For example, Amazon famously scrapped its AI recruitment tool after it was found to discriminate against women applicants by downgrading resumes containing the word "women's" (e.g., "women's chess club captain").¹

Similarly, in India, the risk of caste-based proxies in algorithmic datasets – such as surnames, regional colleges, or language preferences raises concerns of systemic exclusion.

Such biases, when embedded in AI systems, may create an invisible but powerful barrier to equal opportunity.

1.2 Constitutional Problematic

The Indian Constitution guarantees equality through Articles 14, 15, and 16, with Article 15 specifically prohibiting discrimination on grounds of religion, race, caste, sex, or place of birth.² Traditionally, these provisions were invoked against human decision-makers employers, governments, and institutions. However, the challenge in the digital age is whether decisions made by AI systems can also be scrutinized under the equality framework. Can an algorithm that disadvantages women or Dalit candidates be considered in violation of Article 15? Should private employers deploying such systems be held accountable under constitutional norms? These questions lie at the heart of this research, which argues for a constitutional extension of Article 15 to algorithmic hiring.

1.3 Objectives of the Paper

This research seeks to: (1) Examine the phenomenon of algorithmic hiring bias and its implications for equality in India. (2) Analyze how Article 15 can be interpreted to encompass digital discrimination. (3) Explore Indian case law on equality and discrimination, and its possible extension to AI systems. (4) Compare global regulatory experiences in tackling algorithmic hiring bias. (5) Propose a framework combining constitutional interpretation and statutory regulation for India.

1.4 Significance of the Study

The Indian judiciary has a long history of expansive constitutional interpretation extending rights to new contexts such as environmental protection, privacy, and sexual orientation. Similarly, the extension of Article 15 into the digital realm represents a natural progression of Indian constitutionalism. At a time when India is positioning itself as a global AI hub, ensuring fairness in recruitment processes is essential for both social justice and economic legitimacy.

2. Research Methodology

This study adopts a doctrinal and comparative legal research methodology. Primary sources include the Constitution of India, especially Article 15 and its jurisprudence; landmark cases such as *Indra Sawhney v. Union of India* (1992),³ *Air India v. Nergesh Meerza* (1981),⁴ and *Anuj Garg v. Hotel Association of India* (2008).⁵

Secondary sources include academic commentary, government reports (such as NITI Aayog's *National Strategy on Artificial Intelligence*, 2018), and international scholarship on AI bias, including Cathy O'Neil's *Weapons of Math Destruction*.⁶ Comparative sources include the EU AI Act (2024 draft), the U.S. Equal Employment Opportunity Commission (EEOC) guidelines on AI hiring, and reports by UNESCO and OECD. The paper combines constitutional interpretation, doctrinal analysis, and comparative study.

It identifies gaps in Indian law, applies constitutional principles to algorithmic hiring, and recommends regulatory interventions. This interdisciplinary method ensures that the paper does not merely diagnose the problem of algorithmic bias but also offers constitutional and policy-based solutions.

3. Literature Review

The literature on artificial intelligence and constitutional rights reflects growing concern over how automated systems may replicate historical inequalities. Internationally, Cathy O’Neil’s work *Weapons of Math Destruction* demonstrates that predictive algorithms in recruitment and education perpetuate systemic discrimination when trained on biased datasets.⁷ Joy Buolamwini and Timnit Gebru’s research on “Gender Shades” established that commercial facial recognition tools exhibited error rates of over 34 percent for darker-skinned women as compared to less than one percent for lighter-skinned men, underscoring how algorithmic design embeds discriminatory tendencies.⁸ These findings resonate with hiring contexts, where algorithms evaluating resumes or video interviews may downgrade candidates based on gender, caste proxies, or regional markers. In India, literature has largely engaged with AI in governance and surveillance, linking it to constitutional rights under Articles 14, 19, and 21. Sneha Singh and Kashika Mittal, for instance, argue that unchecked AI in policing and surveillance threatens privacy and equality unless constitutional safeguards are extended to the technological sphere. However, there is a gap in scholarship focusing specifically on Article 15 and employment-related discrimination caused by algorithms. Existing scholarship on Indian equality jurisprudence highlights how courts have moved from formal equality to substantive equality. In *State of Madras v. Champakam Dorairajan* (1951), the Supreme Court initially took a restrictive view of equality, but subsequent decisions, including *Indra Sawhney v. Union of India* (1992), recognized the legitimacy of affirmative action to address structural disadvantages.⁹

Scholars such as Upendra Baxi emphasize that equality jurisprudence in India has always adapted to evolving social realities, from caste discrimination to gender inclusivity. Applying this adaptive interpretative approach, algorithmic bias in hiring can be seen as a modern manifestation of prohibited discrimination under Article 15. Comparative studies add further depth. The EU AI Act (2024 draft) designates recruitment AI as “high-risk,” imposing strict obligations of transparency and fairness. Similarly, the U.S. Equal Employment Opportunity Commission has issued guidelines cautioning that the use of algorithmic hiring tools that result in adverse impacts on protected groups may amount to unlawful discrimination under Title VII of the Civil Rights Act, 1964.¹⁰ These comparative insights highlight the necessity for India to interpret its constitutional framework expansively to address discrimination emerging in algorithmic hiring.

4. Algorithmic Hiring Bias and Article 15

4.1 Understanding Algorithmic Hiring

Algorithmic hiring refers to the use of machine learning models, natural language processing, and data-driven analytics to automate recruitment. Such systems may screen resumes, assess psychometric responses, analyze voice and facial features in video interviews, and rank candidates. While ostensibly neutral, these systems reflect the biases of historical data. For example, if a company's historical workforce was predominantly male or upper-caste, the algorithm may learn to prioritize resumes that mirror these traits, thereby excluding women or candidates from marginalized communities. This phenomenon, described as "digital discrimination," reproduces social inequalities under the guise of efficiency.¹¹

4.2 Article 15: Scope and Evolution

Article 15(1) prohibits the State from discriminating against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. Article 15(2) further extends the prohibition to access to shops, public restaurants, hotels, and places of public entertainment, or the use of wells, tanks, bathing ghats, roads, and places of public resort maintained wholly or partly out of State funds.¹² While the text does not expressly mention employment in the private sector, judicial interpretation and the interplay with Article 16 (equality of opportunity in public employment) reveal a broader constitutional commitment to eradicating discrimination. In *Navtej Singh Johar v. Union of India* (2018), the Supreme Court reaffirmed that constitutional morality requires interpreting equality provisions in an expansive manner to include new contexts of discrimination.¹³

This interpretive flexibility suggests that Article 15 can be extended to cover discrimination occurring through algorithmic hiring tools, even if deployed by private employers, given the public importance of employment and livelihood.

4.3 Algorithmic Bias as Digital Discrimination

Algorithmic hiring bias can manifest in multiple ways. Resume-screening tools may reject candidates with regional surnames associated with marginalized castes, inadvertently using names as caste proxies. Video interview analysis systems may penalize women based on tone of voice or facial expressions, which are culturally encoded. Predictive models trained on data from elite universities may disadvantage applicants from regional colleges, indirectly reproducing socio-economic inequalities. Such practices amount to indirect discrimination facially neutral criteria that disproportionately disadvantage certain groups a form already recognized by Indian equality jurisprudence. In *Anuj Garg v. Hotel Association of India* (2008), the Court struck down provisions prohibiting women from working in establishments serving alcohol, emphasizing that stereotypes could not be a valid ground for exclusion.¹⁴ Algorithmic hiring bias reflects similar stereotyping, albeit in digital form.

4.4 Case Law Parallels: Equality in Employment

Indian case law provides a strong foundation for extending Article 15 to algorithmic contexts. In *Air India v. Nergesh Meerza* (1981), the Supreme Court invalidated discriminatory service conditions for air hostesses, holding them unconstitutional as they perpetuated gender inequality.¹⁵ In *Indra Sawhney* (1992), the Court recognized that substantive equality requires addressing structural disadvantages rather than adopting a formalistic approach. In *Navtej Johar* (2018), the Court explicitly noted that equality is not frozen in time but must evolve with changing social realities.¹⁶ These precedents demonstrate the judiciary's willingness to expand constitutional protections to new forms of discrimination. Algorithmic hiring bias, though technologically mediated, creates outcomes functionally equivalent to prohibited discrimination. It therefore falls within the mischief that Article 15 seeks to prevent.

5. Comparative Perspectives

5.1 The European Union: AI as a "High-Risk" Sector

The European Union's proposed Artificial Intelligence Act (AI Act, 2024 draft) represents the most comprehensive attempt globally to regulate AI. The Act classifies AI systems used in employment, including recruitment and worker management, as "high-risk," thereby subjecting them to stringent obligations¹⁷.

These obligations include mandatory risk assessments, transparency requirements, human oversight mechanisms, and non-discrimination safeguards. Employers deploying AI in hiring are required to document data sources, ensure accuracy, and conduct periodic audits. The approach reflects the EU's constitutional commitment to equality and dignity under the Charter of Fundamental Rights of the European Union. Scholars argue that the classification of recruitment AI as "high-risk" implicitly recognizes the transformative role employment plays in an individual's life and the severe impact discriminatory hiring systems can have on social mobility.¹⁸

5.2 The United States: Equal Employment Opportunity and AI Bias

In the United States, the Equal Employment Opportunity Commission (EEOC) has extended its oversight to algorithmic hiring. The EEOC's 2023 technical guidance emphasizes that employers remain liable if their AI tools produce adverse impacts on protected groups under Title VII of the Civil Rights Act, 1964.¹⁹ For instance, if an AI-powered screening tool disproportionately eliminates women or racial minorities, the employer must justify the practice as job-related and consistent with business necessity. The EEOC has also partnered with the Department of Justice to warn employers against disability discrimination in algorithmic hiring, particularly in cases where AI tools screen out candidates with speech impairments or neurological conditions.²⁰ Though the U.S. approach is less comprehensive than the EU's, it illustrates the application of long-standing anti-discrimination norms to emerging technologies.

5.3 International Human Rights Frameworks

International law also recognizes equality as a foundational value. The Universal Declaration of Human Rights (UDHR) guarantees equal protection under Article 7, while the International Covenant on Civil and Political Rights (ICCPR) reiterates the prohibition of discrimination under Article 26.²¹ The UNESCO Recommendation on the Ethics of Artificial Intelligence (2021) emphasizes that AI systems must be designed to avoid reinforcing discrimination and should promote inclusivity. Similarly, the OECD Principles on AI stress fairness, transparency, and accountability. These global frameworks underline the responsibility of states, including India, to regulate algorithmic hiring in a way consistent with international commitments to equality and human dignity.

5.4 Lessons for India

The comparative analysis reveals three lessons for India. First, like the EU, India should classify recruitment-related AI as a sensitive or high-risk sector, warranting stringent oversight. Second, as in the U.S., existing constitutional protections under Article 15 should be directly applied to algorithmic hiring bias, making employers accountable for discriminatory outcomes. Third, India should harmonize its domestic framework with international standards, ensuring that its AI governance promotes not only innovation but also fairness and inclusivity.

6. Towards a Constitutional Framework

6.1 Extending Article 15 into the Digital Age

The interpretive flexibility of Indian constitutional jurisprudence provides the basis for extending Article 15 to algorithmic hiring. Courts have repeatedly held that constitutional rights are dynamic and must adapt to technological and societal changes. In *Justice K.S. Puttaswamy v. Union of India* (2017), the Supreme Court recognized the right to privacy as intrinsic to Article 21, despite its absence from the constitutional text.²² Similarly, in *Navtej Singh Johar v. Union of India* (2018), the Court decriminalized same-sex relations, expanding Article 15's promise of equality to marginalized identities.²³ By analogy, algorithmic hiring bias—though technologically novel—falls within the substantive mischief Article 15 was designed to address: discrimination that undermines equality of opportunity and social justice. Recognizing algorithmic exclusion as a constitutional violation would align Indian jurisprudence with its tradition of progressive interpretation.

6.2 Regulatory Mechanisms and Statutory Frameworks

Constitutional interpretation alone is insufficient without statutory backing. India currently relies on the Information Technology Act, 2000 and the Digital Personal Data Protection Act, 2023, neither of which adequately address algorithmic hiring bias.²⁴ These statutes focus primarily on cybersecurity and data protection rather than equality in automated decision-making. A dedicated “Responsible AI Act” or inclusion of AI-specific provisions in labor legislation is necessary. Such a framework should mandate algorithmic audits, impact assessments, and transparency in recruitment tools.

Employers should be required to disclose the criteria used by AI systems and provide candidates with the right to appeal automated decisions. A regulatory authority, similar to the Data Protection Board under the 2023 Act, could oversee compliance, ensuring that recruitment algorithms respect constitutional equality.

6.3 Corporate Accountability and Public-Private Responsibility

A distinctive challenge in India is the role of private employers. While Article 15 traditionally binds the State, courts have extended constitutional obligations to private actors performing functions of public importance. In *Zee Telefilms Ltd. v. Union of India* (2005), the Court observed that bodies discharging public functions could be subject to constitutional scrutiny despite their private character.²⁵ Employment, as a determinant of dignity and livelihood, arguably constitutes a public function. Therefore, private corporations using AI in hiring should be held accountable under constitutional equality norms. Mandating corporate disclosures, independent audits, and penalties for algorithmic discrimination would operationalize Article 15 in the digital context.

6.4 Balancing Innovation with Equality

India faces the dual challenge of promoting technological innovation while safeguarding constitutional rights. Excessive regulation risks stifling growth, while insufficient oversight risks deepening inequalities. The constitutional framework must therefore strike a balance. By interpreting Article 15 expansively and enacting a proportionate statutory framework, India can create an environment where innovation is fostered but not at the cost of fundamental rights. This balance reflects the constitutional vision of social justice and economic progress working hand in hand.

7.1 Reasserting the Constitutional Mandate

The Indian Constitution, through Articles 14, 15, and 16, enshrines a commitment to substantive equality. Article 15, in particular, is a bulwark against discrimination based on religion, race, caste, sex, or place of birth. Though drafted in 1950, its spirit is neither static nor limited to the contexts familiar to the Constituent Assembly. Indian constitutional jurisprudence has repeatedly demonstrated interpretive dynamism, expanding rights to evolving social and technological realities. Just as the Supreme Court recognized privacy under Article 21 in *Puttaswamy* (2017) and decriminalized homosexuality under Article 15 and 21 in *Navtej Johar* (2018), algorithmic hiring bias must now be recognized as a new frontier of discrimination. AI-driven recruitment tools, though marketed as neutral, frequently replicate and amplify historical prejudices. Their opacity and scale make them more insidious than traditional discrimination, for they can exclude entire categories of candidates without human awareness. If unchecked, such systems will not only perpetuate inequality but also undermine constitutional guarantees of dignity and equal opportunity.

7.2 Judicial Role in Extending Article 15

The judiciary can play a pivotal role by interpreting Article 15 expansively to include discrimination effected through automated decision-making. In *Anuj Garg* (2008), the Court held that “laws grounded in stereotypes” are unconstitutional because they entrench inequality.²⁶

Algorithmic hiring systems, when built on biased datasets, effectively operationalize stereotypes—whether of gender, caste, or socio-economic background. Similarly, in *E.P. Royappa v. State of Tamil Nadu* (1974), the Court famously declared that “equality is antithetic to arbitrariness.”²⁷ Algorithms that disadvantage candidates without transparent criteria are inherently arbitrary. These doctrinal principles provide fertile ground for judicial recognition of algorithmic hiring bias as violative of Article 15. Courts could require employers, especially those engaging in large-scale recruitment, to demonstrate that their AI systems comply with equality norms, much like they justify reservations or affirmative action under Article 16(4).

7.3 Legislative and Policy Interventions

While judicial interpretation is essential, a comprehensive response requires legislative action. A dedicated **Responsible AI Act** could be introduced, focusing specifically on high-risk uses of AI, including employment and recruitment. Such legislation should contain the following elements:

1. **Mandatory Algorithmic Audits:** Employers deploying AI in hiring must conduct regular independent audits to assess whether their systems have disparate impacts on protected groups. These audits should be publicly available to ensure accountability.
2. **Transparency Obligations:** Applicants should be informed when AI tools are used in their evaluation and should have the right to request information on the criteria applied.
3. **Appeal and Redress Mechanisms:** Candidates rejected by AI systems should have access to human review and the ability to challenge decisions.
4. **Data Governance:** Employers must disclose the datasets used for training AI systems, ensuring that they are representative and not reflective of past discriminatory practices.
5. **Regulatory Authority:** A specialized body, possibly within the Ministry of Labour and Employment, should oversee AI deployment in recruitment. This authority should have the power to impose penalties for violations and mandate corrective action.
6. **Public-Private Partnerships:** The government should collaborate with industry leaders, civil society, and academia to develop ethical guidelines and best practices for AI in hiring.

7.4 Corporate Responsibility

Private corporations, particularly multinational firms operating in India's technology and service sectors, must recognize their responsibility in ensuring fairness. While constitutional obligations are traditionally directed at the State, the social importance of employment justifies extending equality principles to private actors.

Voluntary adoption of fairness certifications, corporate social responsibility initiatives in algorithmic governance, and diversity-focused recruitment strategies can complement statutory requirements. Companies that proactively demonstrate fairness in hiring will not only avoid legal liability but also strengthen their reputational legitimacy in global markets increasingly concerned with ethical AI.

7.5 Harmonizing with International Standards

India's approach must also harmonize with global frameworks. The EU's classification of recruitment AI as "high-risk" provides a useful model for risk-based regulation. The U.S. approach, which applies existing anti-discrimination law to AI tools, shows that old frameworks can be adapted to new technologies. International human rights instruments such as the UDHR and ICCPR obligate India to prevent discrimination in all forms, including technologically mediated ones. Aligning domestic law with these standards will enhance India's credibility in global AI governance debates and ensure protection for its workforce in a globalized economy.

7.6 Anticipating Counterarguments

Critics may argue that imposing constitutional obligations on private employers and regulating AI tools too heavily will stifle innovation and deter investment. However, this is a false dichotomy. Regulation need not be prohibitive; rather, it can be facilitative, encouraging innovation that is ethical and inclusive. Just as environmental regulation spurred the growth of sustainable technologies, equality-focused AI regulation can drive the development of fairer, more accountable hiring systems. Another counterargument is that algorithmic hiring improves efficiency and reduces human subjectivity. While partially true, efficiency cannot come at the expense of fundamental rights. As Justice Chandrachud observed in *Puttaswamy*, constitutional rights are not subject to cost-benefit calculations; they represent inviolable guarantees of human dignity.²⁸

7.7 Policy Roadmap for India

A practical roadmap for India would involve three stages. **First, recognition:** The judiciary should explicitly acknowledge algorithmic hiring bias as unconstitutional under Article 15. **Second, regulation:** Parliament should enact a Responsible AI Act addressing discrimination in recruitment, supplemented by rules issued by the Ministry of Labour. **Third, reinforcement:** Civil society, academia, and industry must build awareness, provide independent oversight, and develop technical tools for fairness testing. By adopting this multi-pronged strategy, India can ensure that constitutional values guide technological progress.

7.8 Final Reflections

Algorithmic hiring represents both promise and peril. Properly designed, AI can democratize access to employment by eliminating subjective bias and evaluating candidates on merit. Improperly designed, it can entrench inequality at unprecedented scale. The Constitution of India offers both a warning and a guide. Its warning is that discrimination, whether overt or subtle, human or algorithmic, violates the fundamental fabric of equality. Its guide is that constitutional interpretation must be dynamic, enabling rights to remain meaningful in a changing world. Extending Article 15 to algorithmic hiring bias is therefore not merely a legal necessity but a constitutional imperative. It is a call to ensure that as India embraces the digital future, it does not leave behind the very values on which its Republic was founded – justice, equality, and dignity for all.

- ¹ Jeffrey Dastin, *Amazon scraps secret AI recruiting tool that showed bias against women*, REUTERS (Oct. 10, 2018), available at <https://www.reuters.com/article/amazon-ai-idUSKCN1MK08G>.
- ² INDIA CONST. art. 15.
- ³ *Indra Sawhney v. Union of India* (1992) Supp (3) SCC 217
- ⁴ *Air India v. Nergesh Meerza*, (1981) 4 SCC 335.
- ⁵ *Anuj Garg v. Hotel Association of India*, (2008) 3 SCC 1.
- ⁶ CATHY O'NEIL, *WEAPONS OF MATH DESTRUCTION: HOW BIG DATA INCREASES INEQUALITY AND THREATENS DEMOCRACY* (2016).
- ⁷ CATHY O'NEIL, *WEAPONS OF MATH DESTRUCTION: HOW BIG DATA INCREASES INEQUALITY AND THREATENS DEMOCRACY* (2016).
- ⁸ Joy Buolamwini & Timnit Gebru, *Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification*, Proceedings of the 1st Conference on Fairness, Accountability, and Transparency 77-91 (2018).
- ⁹ *State of Madras v. Champakam Dorairajan* AIR 1951 SC 226; *Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217.
- ¹⁰ European Commission, *Proposal for a Regulation on Artificial Intelligence* (EU AI Act, 2024 draft); U.S. Equal Employment Opportunity Commission, *Technical Assistance on AI and Employment Selection Procedures* (2023).
- ¹¹ Solon Barocas & Andrew Selbst, *Big Data's Disparate Impact*, 104 Calif. L. Rev. 671 (2016).
- ¹² INDIA CONST. art. 15
- ¹³ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.
- ¹⁴ *Anuj Garg v. Hotel Association of India*, (2008) 3 SCC 1.
- ¹⁵ *Air India v. Nergesh Meerza*, (1981) 4 SCC 335.
- ¹⁶ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.
- ¹⁷ European Commission, *Proposal for a Regulation on Artificial Intelligence* (EU AI Act, 2024 draft).
- ¹⁸ Andrea Bertolini, *Artificial Intelligence and the Charter of Fundamental Rights of the European Union*, 17 Eur. Const. L. Rev. 731 (2021).
- ¹⁹ U.S. Equal Employment Opportunity Commission, *Technical Assistance on AI and Employment Selection Procedures* (2023).
- ²⁰ U.S. Department of Justice & EEOC, *Guidance on AI and Disability Discrimination in Employment* (2022).
- ²¹ Universal Declaration of Human Rights, art. 7; International Covenant on Civil and Political Rights, art. 26.
- ²² *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.
- ²³ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.
- ²⁴ Information Technology Act, 2000 (No. 21 of 2000); Digital Personal Data Protection Act, 2023 (No. 30 of 2023).
- ²⁵ *Zee Telefilms Ltd. v. Union of India*, (2005) 4 SCC 649.
- ²⁶ *Anuj Garg v. Hotel Association of India*, (2008) 3 SCC 1.
- ²⁷ *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3.
- ²⁸ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.