

ARTIFICIAL INTELLIGENCE AND CONSTITUTIONALISM: THE CHALLENGES IN LAW. Edited by Shruti Bedi, Oakbridge Publishing, Haryana, 2025. xxviii + 184. Rs. 695, ISBN: 978-81-979392-9-7.

ARTIFICIAL INTELLIGENCE has now integrated into governance, legal systems, and everyday life, hence raising concerns about fundamental rights, due process, equality, and justice. One can say that artificial intelligence and constitutionalism are two different concepts that are now inherently linked. As nations worldwide deal with regulatory frameworks, the intersection of technology and constitutional values demands urgent scholarly attention. India, like many democracies, faces the challenge of balancing technological advancement with constitutional protections. There is an urgent need for rights-based AI regulation that guarantees transparency, explanation, appeal, redressal, and non-discrimination. The study of AI and constitutional law is both timely and essential.¹

The book, “Artificial Intelligence and Constitutionalism: The Challenges in Law,” examines this significant intersection at a moment when discussion on these issues is the need of the hour. The book serves two distinct yet equally important audiences. For beginners and students seeking to understand AI’s impact on law, it offers accessible entry points into new debates. And on the other hand, for established researchers and practitioners already working on AI-related topics, the book functions as a comprehensive ready reference. Contributors have systematically summarized the most important papers, books, and articles in the field, including foundational works by Alan Turing and Michael Sandel. This dual purpose makes the book valuable across different experience levels. The editor has succeeded in addressing, within relatively few pages, a vast array of issues that the legal field currently faces or will confront in the very near future.²

The book adopts a holistic approach to examine constitutional challenges posed by AI. Contributions include due process, fundamental rights, criminal liability, international law, humanitarian concerns, investment frameworks, and protection of vulnerable populations. The unique aspect of this book is its focus on the Indian constitutional context while maintaining strong comparative perspectives from different jurisdictions, such as, Brazil, France, China, and the United States. This approach recognizes that while AI challenges are global, constitutional responses must be grounded in legal traditions and social realities of each nation. The book comprises multiple chapters and each of these highlights specific aspects of AI and constitutionalism. This builds a comprehensive picture of both opportunities and risks.

1 *See*, Vivek Verma, “AI and Constitutional Law: Freedom of Speech, Equality, and Privacy Rights in the Age of Technology”, 13(8) *IJCRT* 298 (2025).

2 Shruti Bedi (ed.), *Artificial Intelligence and Constitutionalism: The Challenges in Law*, xvii-xx (Oakbridge Publishing, Haryana, 2025).

The book's strength lies in its thematic organization and the depth of engagement each contributor brings to their subject. Yogesh Pratap Singh and Ashit Srivastava provide a strong starting point.³ They introduce "due process" and explain how AI is entering legal proceedings. They introduce core concepts and explain how AI is entering legal proceedings across multiple jurisdictions. The chapter compares India's experience with Brazil, France, China, and the United States, offering readers a global perspective on shared challenges. The authors spotlight concerns about black-box algorithms, systems whose decision-making processes remain opaque even to their developers. The major issue that they discuss includes whether AI can add fairness or lead to bias, discrimination, and accountability problems. The chapter proposes a reinforced learning model where due process itself serves as training data for AI systems. This innovative approach suggests that constitutional values can be embedded directly into algorithmic design. The authors conclude with the thought that both technology and law must progress together, always protecting fundamental rights.

Sidharth Luthra and Mihir Joshi's contribution on ethics and criminal liability is praiseworthy.⁴ Their work is very concise and succinct. They discuss and cover many points efficiently, making difficult ideas accessible to both students and professionals. The chapter addresses whether and how AI systems can be held criminally liable, and what ethical frameworks should guide their deployment in law enforcement and judicial contexts. The authors examine existing legal doctrines and their adequacy in addressing AI-related harms. This section is particularly relevant as courts worldwide begin to confront cases involving AI-generated evidence, automated decision-making in sentencing, and predictive policing tools. Rohas Nagpal extends this discussion in his chapter on the criminal liability of non-biological entities.⁵ He analyzes whether traditional notions of *mens rea* and *actus reus* can apply to AI systems, and what alternative frameworks might be necessary.

Shruti Bedi addresses the impact of deepfake technology and misinformation, a topic which is of contemporary relevance.⁶ Deepfakes pose severe threats to individual reputation, democratic discourse, and evidentiary reliability in legal proceedings. Bedi's chapter outlines the technological capacities of deepfakes, their current and potential misuse, and the legislative responses being developed globally. She emphasizes the need for improved transparency, public education, and more effective regulation. Taylor White complements this analysis in her chapter on fake content, real fallout, and legal barriers to stopping deepfake proliferation.⁷ White's contribution is interesting

3 *Id.*, Part A, Chapter 1: Due Process in AI-Driven Legal Proceedings: Challenges and Way Ahead.

4 *Id.*, Part A, Chapter 2: Ethics, Artificial Intelligence, and Criminal Liability.

5 *Id.*, Part B, Chapter 4: Attributing Criminal Liability to Non-Biological Entities.

6 *Id.*, Part A, Chapter 3: Chatty Bots and Generative AI: Freedom of Expression and Information in the Epoch of Mis/Dis-Information.

7 *Id.*, Part A, Chapter 4: Seeing is Not Believing: Fake Content, Real Fallout, and Legal Barriers to Stopping Deepfake Proliferation.

and well-informed, and demonstrates her familiarity with both technical and legal dimensions of the problem. She discusses practical consequences for victims, challenges in attribution and enforcement, and recommendations for new frameworks that balance free expression with protection from harm.

Ameen Jauhar explores state liability in the age of AI in Indian law enforcement.⁸ His chapter examines the constitutional tensions that arise when state actors deploy AI systems (particularly facial recognition technologies) in policing and surveillance. Questions of privacy under Article 21, equality under Article 14, and the limits of state power are central to this analysis. Jauhar discusses recent court cases and legislative debates in India that attempt to balance public safety with constitutional protections. His discussion is informed by relevant constitutional cases, making the analysis theoretically sound. The chapter is particularly valuable for its focus on how Indian constitutional law can respond to technological changes without abandoning core principles. Arjun Adrian DSouza's chapter on facial recognition and constitutionality extends this inquiry.⁹ He analyzes the proportionality test and whether mass surveillance technologies can meet constitutional standards for necessity, suitability, and balancing.

Sebastien Lafrance contributes one of the most philosophically rich chapters, addressing the personhood of artificial intelligence.¹⁰ The chapter is well-informed and contains the major discussions and points of debate on AI personhood, citing scholars such as Lawrence Solum extensively. Lafrance includes discussion on definition of person as provided in the Bharatiya Nyaya Sanhita 2023. He also mentions the Citizenship Act, and refers to the criteria of citizenship by birth and descent. The chapter draws analogies between AI and other non-human entities that have received legal personhood in Indian law, such as idols, rivers, *etc.* Lafrance discusses religious and ethical challenges, quoting from the Upanishads the view that a person is an embodied soul, and referencing John Locke's definition of a person as a thinking, intelligent being. The discussion on AI and liability is short but thorough. However, the chapter would benefit from a deeper engagement with corporate personhood as an analogy. Corporations, like AI systems, are entities run by multiple human agents yet treated as individual legal person.¹¹ The doctrines surrounding corporate liability, agency, and the "lifting of the corporate veil" could provide more suitable frameworks for understanding AI personhood and responsibility than comparisons to rivers or

8 *Id.*, Part A, Chapter 5: From Rex Non-Potest Peccare to the Modern Welfare State: Examining the State's Liability in the Age of AI in Indian Law Enforcement.

9 *Id.*, Part B, Chapter 6: Un-Masking Facial Recognition Technology: Constitutionality and Impact on Vulnerable Groups.

10 *Id.*, Part B, Chapter 3: Personhood and Artificial Intelligence: A Dream Come False?.

11 *See*, Carla L. Reyes, "Autonomous Corporate Personhood" 96(4) *Washington Law Review* 1453-1510 (2021).

animals. This missed opportunity is notable, as corporate law has centuries of developed jurisprudence addressing questions of distributed agency, limited liability, and accountability, all highly relevant to AI governance.

Ivneet Walia and Saurabh Kirpaleach contribute chapters addressing algorithmic bias and its implications for human rights and equality. Kirpal's chapter is very well-informed, having consulted and cited many scholarly works in this area.¹² He analyzes how AI systems can perpetuate or amplify existing social biases, particularly in contexts governed by Article 14 of the Indian Constitution, which guarantees equality before law. Kirpal discusses how AI can exhibit racial bias, a well-documented phenomenon in global AI systems. One area where the chapter could be strengthened is by situating these discussions more explicitly in the Indian context. For instance, while racial bias is a significant concern globally, in India the more concerning issues involve caste-based discrimination, religious bias, and regional disparities. If empirical studies exist demonstrating AI bias along caste or communal lines in India, citing them would add considerable depth and relevance. Nonetheless, Kirpal's scholarship and analytical rigor make this a standout contribution. Walia's chapter on algorithmic bias and human rights complements this analysis by examining international human rights frameworks and how they can guide AI governance.¹³

Prabhash Ranjan and Aditi Shreya contribute a chapter that stands out for its clarity, organization, and originality.¹⁴ The chapter addresses AI and international investment law, raising several interesting and previously underexplored questions. Can AI be considered a "protected investment" under international investment agreements (hereafter, IIAs)? Do these agreements, drafted decades ago, remain functional in the modern digital era? What is the potential for using AI in investor-state dispute settlement procedures? What role might AI play in the negotiation and enforcement of IIAs? Ranjan and Shreya identify these issues clearly, cite major works in investment law and technology regulation, and offer well-reasoned interpretations and suggestions. Their approach is concise and to the point, making sophisticated arguments accessible. This chapter will be particularly useful for scholars and practitioners working at the intersection of international economic law and technology regulation.

Navdeep Singh and Arti Gupta analyze autonomous weapon systems, artificial intelligence, and justice under international humanitarian law.¹⁵ Franklin Rosenblatt and Ira Rushing contribute a complementary chapter on autonomous weapons and international humanitarian law, examining whether AI-powered weapons systems can

12 *Id.*, Part B, Chapter 1: Ethical AI in Tax Law.

13 *Id.*, Part A, Chapter 8: The Intersection of Artificial Intelligence, Algorithmic Bias, and Human Rights: Ensuring Accountability and Fairness in AI Systems

14 *Id.*, Part B, Chapter 2: The Interaction between Artificial Intelligence and International Investment Law.

15 *Id.*, Part A, Chapter 6: Autonomous Weapons Systems: Artificial Intelligence and Justice.

comply with fundamental principles of distinction (between combatants and civilians) and proportionality in armed conflict.¹⁶ These chapters are detailed and carefully reasoned. They provide examples from contemporary conflict zones and policy debates at the United Nations and other international fora. The authors argue that autonomous weapons pose unique challenges to accountability and justice. This is because the diffusion of decision-making across programmers, commanders, and machines complicates traditional frameworks of responsibility. These contributions are essential reading for anyone working on technology and humanitarian law.

The book also addresses AI's implications across different legal fields. Saurabh Kirpal's chapter on ethical AI in tax law explores how automation and algorithmic decision-making are reshaping tax administration and compliance.¹⁷ Gokul Narayan examines AI in alternative dispute resolution, discussing how technology can make mediation and arbitration more efficient while raising questions about fairness and human judgment.¹⁸ Aditya S Puar contributes a chapter on copyright protection and AI, addressing authorship, originality, and intellectual property rights in AI-generated works.¹⁹ Several chapters focus on the protection of vulnerable groups, examining how AI can either exacerbate existing inequalities or, if properly designed, promote inclusion and access to justice. These discussions are essential, as marginalized communities often bear disproportionate risks from poorly designed AI systems while having the least voice in their development.

The book, "Artificial Intelligence and Constitutionalism" has several notable strengths. First, its comprehensive coverage is impressive. The editor has assembled contributions addressing nearly every major intersection of AI and constitutional law, from criminal liability to international investment, from due process to copyright. This breadth makes the book an invaluable resource. Second, the book's comparative approach enriches its analysis. By examining Indian constitutional challenges alongside experiences in other nations, the editor and the contributors demonstrate both universal concerns and jurisdiction-specific variations. This approach helps readers understand that while AI poses global challenges, constitutional responses must be tailored to local legal traditions and social contexts. Third, many chapters function as excellent literature reviews, summarizing major scholarly works, landmark cases, and policy developments. For researchers entering the field or seeking quick orientation on specific topics, this is immensely useful. Contributors cite foundational thinkers like Turing and Sandel alongside contemporary scholars, building a strong intellectual foundation. Fourth, several chapters must be commended for their clarity and accessibility. Contributors

16 *Id.*, Part A, Chapter 7: AI in International Humanitarian Law: Distinction and Accountability.

17 *Id.*, Part B, Chapter 1: Ethical AI in Tax Law.

18 *Id.*, Part B, Chapter 5: Transforming Alternative Dispute Resolution with Artificial Intelligence.

19 *Id.*, Part B, Chapter 7: Copyright Protection and AI-Generated Works in Indian Law: Who Owns What?.

like Sidharth Luthra and Prabhash Ranjan manage to address difficult topics concisely, making sophisticated arguments understandable without sacrificing depth. This balance is difficult to achieve and marks high-quality legal scholarship.

This book arrives at a critically important moment. As of 2024–2025, AI governance debates are intensifying worldwide.²⁰ Countries are drafting legislation, courts are confronting novel questions, and scholars are working to develop rights-based frameworks. “Artificial Intelligence and Constitutionalism” contributes to these urgent discussions by offering both theoretical grounding and practical guidance. The fact that it addresses so many issues within a manageable book is a significant achievement.

Despite its strengths, the book has areas that could be enhanced. First, several chapters would benefit from deeper engagement with the Indian social context. While contributors discuss bias, discrimination, and inequality in general terms, more attention to other form of discrimination, , such as regional disparities would strengthen the analysis. India’s social structure differs significantly from Western contexts where much AI bias research originates. Empirical studies documenting AI bias in Indian settings, if they exist, should have been prominently featured. Second, as noted earlier, the discussion of AI personhood and liability could be enriched by corporate law analogies. The chapter on personhood discusses rivers, idols, and animals but misses the opportunity to engage with corporate personhood, arguably the most relevant analogy. Corporations are legal persons despite being non-biological, collective entities. Doctrines of corporate liability, piercing the corporate veil, and agency law offer well-developed frameworks that could inform AI governance. This omission is significant. Third, while the book functions well as a reference and literature review, some chapters are more summative than innovative. Readers seeking cutting-edge original research or groundbreaking theoretical contributions may find certain chapters more descriptive than analytical. This is not necessarily a weakness, since comprehensive reviews serve an important function, but it is worth noting. Fourth, some chapters remain quite technical and may be less accessible to non-specialists. While this is inevitable given the subject matter, additional efforts to translate technical concepts for broader audiences would expand the book’s reach. More empirical research and case studies would strengthen several chapters. While legal analysis and doctrinal discussion are thorough, data-driven evidence about AI’s actual impacts, particularly in Indian courts, bureaucracies, and law enforcement, would add valuable depth.

This book is a timely, comprehensive, and valuable contribution to legal scholarship. It addresses urgent questions at the intersection of technology and constitutional law, providing both accessible introductions for newcomers and detailed references for experts. The book’s strength lies in its breadth, comparative approach, and the quality

20 International Telecommunications Union, *The Annual AI Governance Report 2025: Steering the Future of AI*, (Telecommunications Standardization Sector, 2025).

of individual contributions. The editor has succeeded in creating a holistic resource that examines AI's constitutional implications across multiple domains. The book recognizes that AI is not merely a technical challenge but a constitutional one, and that governance must be guided by principles of liberty, equality, and dignity. At a moment when legal systems worldwide are struggling to keep pace with technological change,²¹ this book offers both analysis and guidance. While some chapters would benefit from deeper engagement with Indian social realities and empirical data, these limitations do not diminish the book's overall contribution. "Artificial Intelligence and Constitutionalism" deserves a place on the shelf of every legal scholar, policymaker, and practitioner working at the intersection of technology and law. It will serve as a foundation for future research, teaching, and policy development. The book invites readers to engage critically with the future of constitutionalism in the digital age. It encourages questioning of existing frameworks and adaptation to new realities, while insisting that justice, fairness, and fundamental rights must remain central. This balance, embracing innovation while preserving constitutional values, is the defining challenge of our time. "Artificial Intelligence and Constitutionalism" provides essential tools for meeting that challenge.

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21 *Ibid.*

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