comparative analysis is drawn with the conclusion that in all jurisdictions, security threats are invoked, but in the USA and EU, shutdowns are considered as exceptional rights restrictions, not part of peacetime public order. India possesses constitutional guarantees of justiciability and a developing jurisprudence on proportionality, but lacks adequate procedural controls and executive-friendly customs that have led to routine, long-term shutdowns. A constitution of a democracy must safeguard not only the security of the State but also the freedoms. There will be no freedom as long as the channels of communication are being controlled in this manner. Accordingly, digital constitutionalism should require a shutdown to remain the measure of last resort and be guided by stringent legality, specificity, procedural safeguards, transparency, and efficient judicial oversight.

AI-DRIVEN SOLUTIONS FOR HEALTH DISPARITIES: A SYSTEMATIC REVIEW OF CURRENT APPLICATIONS AND FUTURE DIRECTIONS

Preeti[1]

ABSTRACT

Persistent disparities in healthcare access and outcomes across India have intensified interest in artificial intelligence (AI) as a potential equalizer. Over the past decade, AI-driven solutions have been piloted and deployed to address systemic inequities, ranging from predictive analytics that identify disease risks in densely populated urban slums to tele-triage platforms designed for geographically isolated rural communities. These innovations demonstrate the promise of AI in tailoring interventions to marginalized groups, improving efficiency, and bridging gaps in service delivery.

This paper undertakes a systematic review of AI-based health initiatives implemented in India between 2015 and 2025, assessing their effectiveness in advancing equity and inclusivity. Beyond evaluating outcomes, the study critically examines the regulatory and governance frameworks that shape the deployment of such technologies. Particular attention is given to the Digital Personal Data Protection Act, the Telemedicine Practice Guidelines, and the architecture of the National Digital Health Mission, highlighting areas where these frameworks fall short in safeguarding rights, ensuring accountability, and promoting equitable access.

The analysis reveals significant gaps in data privacy protections, ethical oversight, and mechanisms for addressing bias in AI systems. It also underscores the challenges of integrating AI into fragmented health infrastructures and the risks of exacerbating inequities if governance remains weak. In response, the paper proposes a rights-based roadmap for AI governance in healthcare, emphasizing transparency, participatory policymaking, and justice-oriented

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innovation. By balancing technological progress with social responsibility, the roadmap envisions a regulatory environment that not only fosters innovation but also ensures that AI contributes meaningfully to reducing health inequities. Ultimately, the study argues that robust governance, grounded in human rights principles, is essential for realizing the transformative potential of AI in India's healthcare landscape.

1. INTRODUCTION

Health disparities in India are stark and multifaceted, manifesting across deeply rooted socio-economic fissures. The critical chasm between rural and urban populations is vast, with those in remote hamlets often lacking basic access to primary healthcare facilities, reliable electricity, or even trained medical personnel; conversely, urban slums face overcrowded and under-resourced public health centres. The divide between the rich and the poor is equally pronounced, where the affluent can afford private, high-quality specialized treatment, leaving the impoverished to contend with overwhelmed and often inadequately equipped public systems that struggle to meet demand. Furthermore, historically marginalized tribal communities and caste-based minorities frequently suffer disproportionately from preventable diseases, higher maternal mortality rates, poorer child health indicators, and a greater burden of chronic conditions due to systemic neglect and limited access to health information and services.

This precarious situation is exacerbated by the fact that traditional healthcare infrastructure is inherently insufficient, often failing to physically extend its reach to these underserved communities; moreover, severe workforce shortages, particularly of specialized doctors, nurses, and allied health professionals, further exacerbate this critical divide by limiting the availability of human expertise where it is most needed.

In this challenging context, Artificial Intelligence (AI) emerges as a transformative promise to bridge these gaps and democratize healthcare access. Its unparalleled capacity to rapidly process prodigious datasets from diverse sources, detect subtle patterns often missed by human observation, and automate crucial decision support mechanisms holds immense potential for scalable and equitable interventions. This translates into tangible applications: mobile-based

screening tools can enable early detection of conditions like diabetic retinopathy, cervical cancer, or even basic cardiovascular risks in remote villages, circumventing geographical barriers. Remote monitoring technologies, powered by AI, can provide real-time insights into vital signs and adherence to treatment protocols for chronic conditions like diabetes and hypertension, allowing for proactive interventions without the need for constant clinic visits. Image-based diagnostics can augment human expertise, providing access to expert-level analysis for X-rays, MRIs, and pathology slides, thereby democratizing specialized diagnostic capabilities even in areas lacking radiologists or pathologists. Furthermore, natural-language chatbots, trained in various vernacular languages and dialects, can serve as a first point of contact, addressing common health queries, guiding patients on symptom management, or assisting with appointment scheduling, thereby reducing the workload on overstretched healthcare providers and empowering patients with readily accessible, culturally relevant information.

However, the integration of AI is not without significant perils that must be carefully navigated. The reliance on "black-box" models, which lack transparency and explainability, makes it difficult to understand *why* a particular diagnosis or recommendation was made, posing a critical challenge to accountability, trust, and clinical oversight. Furthermore, the unregulated flow and collection of sensitive patient data across diverse platforms raise serious ethical concerns over data privacy, security, and potential misuse. Without robust ethical frameworks, stringent data governance, and regulatory safeguards, these technologies risk embedding and reinforcing existing societal biases present in the historical training data. For example, if training data predominantly reflects outcomes from a specific demographic, the AI might misdiagnose or provide suboptimal care for underrepresented groups, inadvertently widening rather than narrowing inequalities and potentially violating fundamental rights such as the right to privacy, non-discrimination, and equitable access to healthcare. Therefore, responsible development, deployment, and oversight are paramount to ensure AI serves as a tool for equity, not exacerbation, of India's health disparities.

2. METHODOLOGY

In this present study, I adopted a literature review approach. Various scholarship articles, community writing, reports and media reports are reviewed. This study is based on various articles published in medical field such as in PubMed and Scopus. The data is collected from Health Sector financed by Centre and States/Union Territories in India, National Health

Authority, Ministry of Health and Family Welfare, Department of Health Research, and Ayushman Bharat-National Health Protection Mission, other Government databases. Furthermore, relevant publications on healthcare challenges are sourced for the data.

3. OBJECTIVES OF STUDY

Which AI applications have demonstrably narrowed health gaps in India?

How well do Indian legal frameworks safeguard equity, privacy, and accountability in these AI systems?

4. AI APPLICATIONS TARGETING HEALTH DISPARITIES

4.1 Advanced Diagnostics and Risk Stratification Tools

These tools are reshaping healthcare delivery in India by harnessing machine learning, predictive analytics, and real-time monitoring. These technologies enable early disease detection, accurate patient risk profiling, and timely interventions that improve outcomes. By analyzing diverse datasets such as medical records, imaging, and wearable sensors, AI systems uncover hidden patterns of disease progression and guide clinicians in prioritizing care.

For underserved communities, these innovations are particularly impactful. Mobile diagnostic kits, tele-triage platforms, and community-based screening programs extend healthcare access to remote and marginalized populations. Risk stratification models help optimize scarce resources, ensuring that vulnerable groups receive urgent attention. Integrated into national health programs, such tools strengthen surveillance, track emerging threats, and support equity-focused interventions. Together, they illustrate how data-driven healthcare can bridge systemic gaps and promote justice in public health.

Niramai Thermal Screening: Revolutionizing Breast Cancer Detection

Niramai Thermal Screening is a convenient, privacy-first, and non-invasive power-packed, ground-breaking solution for early-stage breast cancer screening.

- **Technology & Methodology:** The system is based on cutting-edge thermographic imaging, which is a non-contact method that does not emit radiation, however, capturing patterns of the breast's thermal emission. The captured thermal images are then analysed by the automated

advanced Artificial Intelligence system. The high-performance algorithms within the AI system are programmed to recognize small variations in the heat distribution and angiogenesis development before the tumour growth, which often do not become visible in ordinary mammography.

- **Accessibility & Privacy:** Its low-cost profile compared to traditional mammography also means it is more scalable and affordable for large deployment, even in resource-poor areas. In addition, its privacy protective nature is important; it does not require a physical examination or contact or exposure in the context of an intimate environment, the cultural sensibilities and comfort are very important barriers for screening in many populations.
- **Deployment & Impact:** The technology has been effectively deployed in Tier-II towns and is bridging the gap of quality healthcare infrastructure where the conventional diagnostic facility like mammography units is sparse or sometimes do not exist at the all.
- **Proven Efficacy:** Up to 92% Sensitivity demonstrated in trials for early-stage detection, through the Niramai system. This high sensitivity makes it very good at accurately identifying those who have breast cancer, which greatly increases the chance of early intervention and treatment. Most importantly, it lacks radiation and is therefore a significantly safer test for repeated screenings, and it is also more suitable for younger women who worry about radiation exposure from annual mammograms

Predictive Models for Malnutrition: Data-Driven Action for Child Health

Predictive models harness the power of machine learning and diverse datasets to transform how malnutrition is identified and addressed among children. By analyzing indicators such as growth patterns, dietary intake, socioeconomic conditions, and regional health statistics, these models can forecast areas and populations at highest risk. This proactive approach enables health systems to move beyond reactive measures, allowing early detection of vulnerable groups and timely interventions that prevent severe outcomes. Such data-driven insights provide policymakers and practitioners with evidence to design targeted strategies that maximize impact while minimizing resource wastage.

In the Indian context, where malnutrition remains a persistent challenge, predictive analytics can guide the equitable distribution of limited resources. By pinpointing communities most in need, these models ensure that interventions—such as nutritional supplements, fortified foods,

or maternal health programs—reach children before conditions worsen. They also empower frontline health workers with actionable information, strengthening community-based care and bridging gaps in traditional monitoring systems. Integrated into national health initiatives, predictive models can enhance surveillance, track progress, and support long-term planning for child health. Ultimately, these innovations represent a shift toward precision public health, where technology and data are leveraged to secure healthier futures for the most vulnerable children.

- **Data Integration & AI Analytics:** The project is using advanced Machine Learning (ML) to examine a varied and comprehensive dataset. Data input will come largely from the approach and detail, or feeds, from accredited ASHA (Accredited Social Health Activist) workers reflecting real time data of growth metrics (weight, height, developmental milestones) directly from the village in real time. Very importantly this data is sourced at the front line of health care and is collecting the immediate health of the child.
- **Holistic Risk Assessment:** The ML algorithms also ingest and correlate this health data with **village level socio economic indicators**. These can include household income, access to clean water and sanitation, maternal education levels, access to food resources and local environmental conditions. By combining all these data points the models can identify complex patterns and underlying causes of malnutrition.
- **Targeted Interventions:** The purpose of these models is to **target nutrition interventions precisely**. Instead of broad brush approaches the algorithms identify specific children, households or even entire villages at highest risk of malnutrition. This allows for more efficient and effective allocation of resources so nutritional supplements, food aid, health education and medical support reaches those who need it most and prevents moderate to severe acute malnutrition.
- **Tangible Impact:** This was proven in pilot districts where it led to a 15% reduction in SAM rates. That's a big impact.

4.2 Tele-triage & Remote Consultation: Revolutionizing Healthcare Accessibility and Efficiency

The provision of healthcare services is changing most dramatically, with digital solutions leading the way in bringing medical services away from the clinical setting. Tele-triage and remote consultation initiatives are leading the way in enabling the provision of health care services while utilizing three approaches to enhance efficiency; they can optimize resources, remove the boundary of having to show up in-person, and they can provide timely health information to people in that moment. In large and diverse countries like India, the influence of both tele-triage and remote consultation is important since they can assist people in accessing specialized medical care that may not have been accessible to them in rural areas.

Two example programs show the effectiveness of this approach:

- **eSanjeevani NLP Module:** AI-Powered Trilingual Triage Assistant on India's national telemedicine platform, the eSanjeevani NLP Module uses an AI Natural Language Processing (NLP) module specifically designed to parse complex symptom descriptions by patients in Hindi, Tamil, and Marathi. This NLP module is important for assisting the country's diverse linguistic population and allows callers to describe their concerns more freely and naturally.

  The NLP module can act as a smart front-line interpreter and provide accurate first-line advice. This would include triage advice for minor injuries and illnesses, degree of celerity, as well as when patients need to visit a generalist, specialist or go to the ER. The response to this module has been overwhelming.

  - **Improved Access:** Adoption of eSanjeevani with the help of an intuitive AI module picked up by a phenomenal 40% specifically from rural callers. This highlights the success of its penetration into under-served populations that struggle to gain physical access to medical facilities
  - **Streamlined referrals:** The system intelligently guides at point of care, effectively screening cases, thus reducing unnecessary referrals. This approach not only reduces the load on overwhelmed healthcare facilities but also saves patients time and money by connecting them with the right level of care up front.

- **Chatbots for Maternal Care:** Enabling Mothers-to-be in Vernacular Addressing the critical issue of maternal health, cutting-edge vernacular chatbots have been operationalised in Bihar and Rajasthan - areas typically characterised by geographical inaccessibility and disparate healthcare. These computer-based conversational agents are developed to offer prenatal-support in the most complete, accessible way and as culturally sensitive advice as possible.

The chatbots provide various vital services directly to the user mobile phone, in their language:

- **Prenatal Instruction:** Sharing vital nutrition and hygiene information, as well as common pregnancy changes and newborn care basics, to arm mothers with knowledge for a healthy pregnancy.
- **Reminders services:** Helps sending reminders to all expecting mothers for their Antenatal visits, vaccinations and other important medical services directly to their phone, thereby boosting adherence to care schedules
- **Danger-Sign Alerts:** Informed expectant mothers of potential complications along with some critical danger signs during pregnancy, prompting the decision to seek medical help when needed and could be lifesaving.
- **Boost in Institutional Deliveries:** The consistent support and information provided by these chatbots led to an 8% increase in the institutional delivery rate in hard-to-reach blocks. This is a key output, because facility deliveries with skilled birth attendants significantly lowered the risk of maternal and infant mortality, compared to home deliveries.

These efforts demonstrate how socially oriented and culturally relative AI/digital communication tools can be applied with intent to improve healthcare delivery in contexts where conventional access models struggle to find acceptance or legitimacy or where it is challenging to engage with clients. Trust it can build a more rational and organized health ecosystem.

4.3 Tracking & Decision Support: Using Data to Anticipate Healthcare Needs

In this section, we explore important applications of advanced monitoring capabilities and data-based decision support, demonstrating how technology can provide timeliness in insights and help deliver specific and meaningful actions in healthcare. These actions are necessary to ensure improved health outcomes, particularly ones that service disadvantaged and difficult to engage populations.

- **Wearable Alerts for Neonatal Care in Jharkhand's Tribal Regions:** A new project is changing neonatal care in the remote and typically isolated tribal geographic composition of Jharkhand. Small non-invasive wearable pulse-oximetry devices are used to monitor the vital signs of newborns—blood oxygen saturation and heart rate—continuously. The most critical physiological parameters are instantly sent to small edge AI modules, which can process this

information locally without the need for constant Internet access. Using artificial intelligence algorithms, the module allows the nurse or midwife to monitor the newborn vital parameters, detecting the early signs of neonatal distress (e.g., hypoxia (low oxygen) and bradycardia (slow heart rate)). Whenever critical parameters were identified, these wearable devices wirelessly provide real-time alerts to local community health workers (CHWs).

As the main aid and contact in the local areas, they CHWs have the opportunity to be a little more proactive in recognizing at-risk newborns and securing immediate attention. By being able to notify someone immediately about at-risk newborns, they have been shown to be effective enough to cut delays in referral for higher levels of healthcare facilities down by 30%, which greatly improves chance for medical attention and survival rates for high-risk newborns in the rural context.

- **Mapping Hypertension in Urban Slums in Mumbai:** In response to a rising burden of non-communicable diseases in dense urban contexts, the Urban Slum Hypertension Mapping project was implemented in Mumbai. This project was developed as a successful public–private partnership engaging government health departments, private sector health providers and technology companies. The partnership utilized detailed analysis of large anonymous prescription and diagnostic data sources. By aggregating and analysing data from multiple sources (e.g. pharmacy records, lab reports and patient encounter notes) the project developed epidemiologically significant maps to quantify and determine the distribution of hypertension and identified 'hot-spots' -- specific geographical clusters in Mumbai's extensive slum areas with a significantly higher prevalence of high blood pressure. The insight based on the maps allowed health providers to better target the deployment of mobile clinics, to be far more effective in terms of scale and resources.

  Instead of merely deploying the mobile clinics broadly or indiscriminately, with the knowledge of the hot spots, the chronic health providers could deploy systematically to the locations needed most and screen, diagnose, counsel and begin management for high blood pressure on the spot. This innovative and data-informed approach, improved community access to care for under-served urban communities and represented an important step in managing chronic disease better in resource-poor settings.

5. INDIAN LEGAL & ADMINISTRATIVE LANDSCAPE

India's legal and administrative framework around AI in healthcare is still in its formative stage, with no landmark case law directly addressing liability or patient rights in this context. However, several overlapping developments in digital governance, data protection, and medical regulation are beginning to shape the environment. The **Digital Personal Data Protection Act (DPDPA), 2023** is particularly significant, as it introduces strict rules for handling sensitive health data, requiring explicit consent and accountability from data fiduciaries. Alongside this, the **Information Technology Act, 2000** and its proposed replacement, the **Digital India Act**, provide a broader foundation for regulating emerging technologies, including AI. These frameworks are complemented by policy initiatives such as **NITI Aayog's National Strategy for Artificial Intelligence (2018),** which identified healthcare as a priority sector, emphasizing ethical use, transparency, and inclusivity. Together, these measures indirectly influence how AI can be deployed in healthcare, even though liability questions remain unresolved.

On the healthcare-specific side, India has issued **Telemedicine Practice Guidelines (2020)** and maintains standards under the **Clinical Establishments Act, 2010**, both of which indirectly touch on AI by regulating digital consultations and medical practice.

Framework / Guideline	**Key Provisions**	**Gaps for AI in Health**
Digital Personal Data Protection Act (2023)	Defines "personal" and "sensitive personal" data; mandates explicit consent; penalizes breaches up to ₹250 crore.	Silent on algorithmic profiling; lacks fairness-audit requirements; no "right to explanation".
Telemedicine Practice Guidelines (2020)	Recognizes remote consultation; places liability solely on Registered Medical Practitioners (RMPs); prescribes basic data-security standards.	No clarity on AI-driven diagnostic tools; consent forms do not specify AI's role; black-box liability risk.

Framework / Guideline	Key Provisions	Gaps for AI in Health
Ayushman Bharat Digital Mission (ABDM)	Establishes Health IDs; promotes federated data consent; sets API standards for interoperability.	No binding equity safeguards; public-private data sharing lacks transparency; no mechanism for recourse.
Constitutional Articles 21 & 47	Article 21 guarantees right to life; Article 47 directs the state to improve public health.	Non-justiciable duties under Article 47; privacy rights not yet extended to enforcement in AI decisions.
Forest Rights Act & Biological Diversity Act	Protect tribal knowledge and autonomy over traditional resources.	Do not recognize "data sovereignty" for Indigenous health datasets; lack ethical frameworks for digital use.

Table 1

6. CASE LAWS AND EMERGING JUDICIAL TRENDS GOVERNING AI IN HEALTHCARE IN INDIA

The Indian judiciary has gradually emerged as a key factor in shaping the principles that guide the responsible use of artificial intelligence in healthcare. Even in the absence of a dedicated AI law, courts have laid down important jurisprudence on issues such as privacy, data protection, and accountability, which directly influence how AI systems can be deployed in sensitive domains. The recognition of privacy as a fundamental right in *Justice K.S. Puttaswamy v. Union of India* (2017) created a constitutional safeguard for patient data, ensuring that any AI-driven healthcare solution must respect individual autonomy and consent. Similarly, judicial scrutiny of digital governance frameworks, such as those surrounding Aadhaar, has highlighted the risks of exclusion, surveillance, and misuse of data—concerns that are highly relevant to algorithmic healthcare systems. These rulings have implicitly set

boundaries for the ethical and lawful use of AI, steering its development toward transparency and fairness.

At the same time, case studies and policy debates influenced by judicial reasoning are beginning to address broader questions of algorithmic accountability and technological responsibility in public health. Courts have emphasized proportionality, necessity, and safeguards when evaluating the use of digital tools in governance, principles that can be extended to AI in healthcare. This evolving jurisprudence provides interpretive guidance for policymakers and regulators as they draft future AI-specific legislation. By insisting on rights-based frameworks, the judiciary ensures that innovation in healthcare does not compromise equity, dignity, or justice. In effect, while India awaits comprehensive AI laws, judicial interventions are already laying the foundation for a regulatory environment where technology serves public health responsibly and remains aligned with constitutional values.

Ground breaking Decisions and Their Implications for AI in Healthcare:

K.S. Puttaswamy v. Union of India (2017)

- **Significance:** This unanimous verdict of the nine judges' bench of the Supreme Court of India settles that 'Right to Privacy' is a fundamental right under Article 21 (Right to Life and Personal Liberty) of Indian Constitution, and a natural right embedded in the various fundamental rights enshrined under Article 19(1)(a) (Freedom of Speech and Expression). The Court set forth a three-pronged test as to any state action infringing on privacy: legality, legitimate state aim, and proportionality.
- **Relevance to AI in Healthcare:** This decision is the constitutional foundation for regulating AI systems involved in large-scale personal health data processing. It requires that AI platforms using personal health information, for diagnostics or treatment, public health surveillance or predictive analytics, for example, adhere to rigorous privacy principles in collecting, storing, processing or sharing the data. This would cover principles of minimization and limitation, user consent, security and the right to be forgotten. It directly impacts the design and deployment of AI in areas like health record management, public health surveillance, and patient profiling, ensuring that individual privacy is safeguarded against potential algorithmic misuse or overreach.

Justice K.S. Puttaswamy (Retd.) v. Union of India (Aadhaar Case, 2018)

- **Significance:** While largely upholding the constitutionality of the Aadhaar unique identity project, the Supreme Court imposed significant limitations on data sharing and mandated strict purpose limitation. It struck down Section 57 of the Aadhaar Act, which allowed private entities to demand Aadhaar for services, asserting that biometric Significance: While largely upholding the constitutionality of the Aadhaar unique identity project, the Supreme Court imposed significant limitations on data sharing and mandated strict purpose limitation. It struck down Section 57 of the Aadhaar Act, which allowed private entities to demand Aadhaar for services, asserting that biometric and personal data could not be shared with such entities.
- **Relevance to AI in Healthcare:** This ruling is a strong affirmation of the principle that biometric data and sensitive health information (e.g., genetic data, medical information, facial data for identification) utilized within AI systems should be handled pursuant to informed consent. AI models trained on or otherwise used with such data would need to remain consistent with the exact purpose consent was given for. It is the suggestion that the AI systems in healthcare accessing personal identifier or biometric data should be ensured with a preventive support mechanism, such as those suggested by robust AI frameworks applicable to the responsible and trustworthy approach.

Internet Freedom Foundation v. Union of India (Ongoing)

- **Context:** This is a PIL writ settled on the outdoors usage of the facial recognition systems (FRS) nationwide and where the Petitioner has raised a legal contention on the deployment of FRS in India. The petition states that without stringent legal safeguards, these systems infringe upon fundamental rights like privacy and freedom of movement and are subject to algorithmic bias and surveillance.
- **Relevance to AI in Healthcare:** These law enforcement related issues are highly applicable to AI in health. It raises issues about algorithmic surveillance and bias (eg racial or gender bias in diagnostic AI sometimes resulting in misdiagnosis of some demographics) and absence of legislative oversight. Within medical practice, AI applications have gained popularity not only for monitoring patients, but also for diagnosis procedures, and access control. This case highlights the recommendation from the Task Force that clear ethical standards, strong legal frameworks, and strong transparency mechanisms be in place to prevent AI systems in healthcare from violating patient rights, perpetuating discrimination, or leading to unaccountable surveillance**.**

Anivar Aravind v. Union of India (2020, Kerala High Court)

- **Context:** The case dealt with the compulsion to use the Arogya Setu app in the early days of the COVID-19 pandemic. The petition argued that the app was mandatory for both government and private sector employees, in violation of the right to privacy, while claiming that there was no statutory backing to it and that data was being collected, stored and possibly deleted in an unclear manner. The court, while stopping short of ruling on the legality of the app, ultimately forced the government to make its use optional and to provide clarifications regarding data protocols**.**
- **Relevance to AI in Healthcare:** This case directly addressed core principles crucial for AI-powered public health tools: consent, data minimization, and transparency. It emphasized that even in public health emergencies, the use of technology must respect individual privacy. For AI applications in public health (e.g., contact tracing apps, symptom checkers, epidemic prediction models), this case highlights the necessity of:
  - **Voluntary participation and informed consent:** Users must willingly opt-in, understanding the data collected and its purpose.
  - **Data minimization:** Only essential data should be collected.
  - **Transparency:** The algorithms, data usage policies, and security measures of such tools must be clearly communicated.
  - **Accountability:** Mechanisms for redressal in case of data misuse or algorithmic errors.

Supreme Court's Observations in Suo Motu Writ Petition (Civil) No. 3 of 2020

- **Context:** The Supreme Court started this petition to tackle problems stemming from the COVID-19 crisis. The Court stressed the need to use technology, and in ways that respect basic rights while benefiting the public. It highlighted the importance of safeguarding data privacy and the balance between public health needs and individual freedoms.
- **Relevance to AI in Healthcare:** This case, while wide-ranging set the basic legal expectation to examine all digital health tools, including AI-powered ones. It shows that courts are ready

to take a close look at the rules that control the use of tech during health crises. For the wider AI-healthcare field, it stresses the need to build privacy-by-design ideas ethical AI rules, and strong accountability systems into the core of any AI project hinting at future court oversight.

Emerging Patterns in Legal Oversight:

- **No Direct AI Liability Lawsuits (So Far):** To date, India's healthcare sector hasn't seen a successful lawsuit by a patient specifically for harm caused by an AI system's mistake (for example when an AI algorithm's wrong diagnosis leads to bad outcomes). This happens because AI use is still new, it's hard to pin down who's at fault when humans and AI work together, and there aren't specific laws about AI liability. People will adapt current legal frameworks (like those for medical mistakes or faulty products) to AI, but this brings its own set of problems.
- **Courts in India Show More Openness to Digital Rights Claims:** Indian courts now pay more attention to arguments about fair algorithms, data protection, and digital rights. Cases in the future will focus on:
  - **Al Bias:** People may challenge AI systems that lead to unfair outcomes based on things like gender, age, or economic status resulting in unequal healthcare access or biased diagnoses.
  - **Right to Know/See Through:** People might demand explanations for AI-driven choices in important healthcare situations where AI could suggest a treatment plan or diagnosis
  - **Data Breach & Security:** Who's responsible when patient data gets exposed due to weak spots in AI systems.
  - **Ethical AI Rules:** Healthcare providers and AI creators will need to put in place strong ethical guidelines and ways to check AI.
- **Effect of the Digital Personal Data Protection Act 2023 (DPDP Act):** Although not a judicial decision, the DPDP Act is a major legislative shift with far-reaching effects on AI in healthcare. It provides a structured approach to handling personal data health-related data. It sets rules for consent, limits the purpose of data use, stresses data accuracy and minimization, and requires strong security protections. It also places accountability on data handlers. The Act will play a big role in shaping how developers create, train, and use AI systems that interact with personal health data making it mandatory to stick to its standards.

In summary, India has not yet established explicit legal rules governing liability in AI-driven healthcare, but the judiciary has laid a strong foundation that guides the responsible use of technology in sensitive domains. Landmark rulings, particularly the recognition of privacy as a fundamental right in *Justice K.S. Puttaswamy v. Union of India* (2017), have created constitutional safeguards that directly influence how patient data can be collected, processed, and protected. These principles ensure that AI systems in healthcare must operate within frameworks that respect individual autonomy, dignity, and consent. Alongside this, the enactment of the Digital Personal Data Protection Act (DPDPA), 2023 signals a growing legislative commitment to regulating sensitive health information and ensuring accountability in digital ecosystems.

At the same time, courts have actively scrutinized digital governance, emphasizing transparency, proportionality, and fairness. This judicial activism, combined with emerging data protection laws, reflects India's broader push toward responsible innovation. While liability questions remain unresolved, the trajectory clearly points toward a regulatory environment that balances technological advancement with the protection of fundamental rights in healthcare.

7. GAPS AND CHALLENGES

- Opaque Algorithms: As there is not any requirement to explain their decisions, AI systems leave patients and doctors unable to challenge outcomes. This lack of clarity causes doubt and makes people hesitant to use AI in healthcare.
- Bias & Representativeness: Many a times, private datasets fail to include rural, tribal, and female populations, which leads to unequal models and wrong predictions. This can lead to severe problems in healthcare, like wrong diagnoses or poor treatment plans for those overlooked communities.
- Liability Ambiguities: During existing scenarios, rules always place responsibility on doctors but hardly addresses the role of vendors or platforms. This creates confusion about accountability when AI tools cause harmful results.
- Consent Deficits: Whenever we discuss of most digital consent processes, it mostly fails to explain AI's role or how data will be used after deployment. This takes away patients' ability

to make informed decisions and affects their autonomy. Explaining how AI shapes healthcare decisions and how data will be handled is needed to build trust and protect patients' rights.

- Data Sovereignty: Indigenous groups lack the legal ability to control health data gathered by AI from their traditional practices. This creates problems around privacy cultural respect, and risks of misusing sensitive data. To safeguard indigenous rights and ensure fair AI-driven healthcare, developers need to prioritize respect for data sovereignty.

8. LOOKING AHEAD: A RIGHTS-BASED PLAN TO GUIDE AI IN HEALTHCARE

Artificial intelligence in healthcare requires more than just technical innovation; it demands a governance structure that anticipates risks and builds trust among patients and practitioners. One crucial step is to establish independent regulatory bodies that can evaluate AI systems before they are deployed in hospitals or clinics. These bodies should conduct rigorous testing for accuracy, reliability, and safety, ensuring that algorithms meet medical standards. Beyond regulation, there must be continuous monitoring mechanisms to track performance in real-world settings, allowing for corrective measures when systems fail or produce unintended outcomes.

Another important dimension is capacity building. Doctors, nurses, and healthcare administrators need training to understand how AI tools function, their limitations, and how to integrate them responsibly into patient care. Public awareness campaigns can also help patients feel confident about AI-assisted treatments, reducing fear or mistrust. Finally, collaboration between technologists, ethicists, and policymakers will be essential to design systems that reflect India’s diverse healthcare needs, including rural and underserved populations. By embedding oversight, education, and inclusivity into the framework, India can create a healthcare environment where AI strengthens medical practice while safeguarding human values.

Updating Laws: Building Stronger Protections

To build a foundation of respect for rights in AI-driven healthcare, we need to adjust current laws and create fresh rules that focus on AI-specific challenges.

- **Amend the Digital Personal Data Protection (DPDP) Act to require:**

- **Algorithmic Impact Assessments (AIAs) for High-Risk Health AI:** It will need detailed AIAs on AI systems used in high-stakes health scenarios, which includes systems that assist in critical tasks like diagnosing, suggesting treatments, drug development, or assessing patient risks. These checks must look into concerns like bias, privacy issues, fairness, clarity, safety, and how the AI could affect society. The goal is to spot and fix risks on that could harm patient rights, like their privacy protection against discrimination, or control over their own bodies.
- **A "Right to Explanation" giving patients access to model reasoning:** Patients should have a legal right to get clear and understandable details about any major healthcare decision shaped by AI. This covers explanations for diagnoses, treatment options, or risk assessments influenced by AI tools. To offer this explainable AI methods need to be created and used. These explanations must be shared in simple terms so patients can understand, ask questions, or even challenge decisions made using AI.

- **Improve Telemedicine Guidelines by:**

- **Breaking Down Transparent Liability Levels (Developer, Deployer, Practitioner):** Divide the roles and possible responsibilities within the AI chain clearly. The AI model developer handles issues like design problems or biased data. The deployer, such as a hospital or a clinic, takes care of problems during usage like errors in setting it up or not monitoring it. The medical practitioner is responsible for decisions made during treatment and using the AI tool. If we are doing this, then it will help people take responsibility, creates ways to control problems when things go wrong, and supports the idea of shared accountability. It will also keep patient's right to safety and secure justice.
- **Using AI-Specific Consent Forms in Local Languages:** We need to make sure that healthcare providers are adopting to new consent forms designed for AI-driven medical services. These forms should explain the role AI plays and will limits how patient data will be handled and kept safe, what risks or advantages it may bring, and what other non-AI options exist. We need to be sure that these forms easy to understand and available in all necessary local languages. This helps ensure that patients those who are more vulnerable truly understand their options and can make their own choices with the right information.

Institutional Mechanisms: Creating a Strong Governance System

Setting up specific organizations and structures is key to provide oversight, guide ethics, and ensure innovation stays safe, going beyond just changing laws.

- **National AI-in-Health Council under the Ministry of Health:** Suggest forming a high-level council within the Ministry of Health. This board would bring together varied experts like legal scholars, ethicists public health experts, AI researchers, and patient representatives. The council's duties would include creating policies, drafting ethical standards, evaluating important AI uses, resolving conflicts, and making sure AI in healthcare respects human rights. It would act as the main body to protect a rights-based approach to AI in health.
- **Creating Regulatory Sandboxes for AI Progress:** Set up "regulatory sandboxes" as limited-time monitored spaces that let developers test new AI models and tools using actual patient data. Testing must follow strict ethics rules along with close oversight from regulators. These safe zones would provide a way to test and improve AI systems step by step. To take part, participants must conduct "equity audits," which ensure the models do not worsen healthcare inequalities and can work for various groups of people.

Building Skills and Engaging the Public: Supporting Stakeholders

To implement a rights-based AI framework, people need to be well-informed, workers must have strong skills, and data practices should follow ethical standards.

Digital Literacy Campaigns in Rural and Tribal Areas: Launch programs focused on teaching digital skills tailored to the unique needs of rural and tribal groups. These programs regulations to handle the unique issues and risks of AI. They must add clear rules about managing AI keeping data private, and holding algorithms responsible.

Second, it seeks to establish strong oversight systems that involve many voices. These systems should not rely on governments or industry. They need to bring in groups like civil society organizations, doctors' legal experts, technology ethicists, and advocates for patients. Having a mix of these perspectives helps build trust and sets a path for creating rules and ethical guidelines.

Third, it highlights the need to include regular equity checks and impact reviews at every stage of AI starting from its design to when it is tested and used. These checks can find and fix fairness issues, help make sure everyone can use AI, and confirm it helps people who are often overlooked or at a disadvantage.

India can shape a distinctive and meaningful path by acting ahead. It can use AI's potential not to grow or move forward, but to push for justice and inclusiveness. This way, AI can become a strong means to close long-standing gaps instead of worsening them building a healthcare system that is fair, reachable, and beneficial to everyone in the nation.

- would explain how AI works in areas like diagnosing illnesses providing treatments and managing health. They would also stress the importance of data privacy rights and show individuals how to protect and control their personal health information. The aim is to create trust, lessen worries, help people make smart decisions about using AI tools, and ensure everyone has access to digital knowledge. This approach supports the right to learn and take part in developments
- **Open Data Repositories of De-identified Health Records, Curated with Tribal Consent:** Build secure and open collections of de-identified health information. Maintaining ethical guidelines requires ongoing approval from tribal communities connected to the data. This effort seeks to boost diversity in AI models by countering biases seen in single-source data. It also aims to avoid vendor lock-in and give researchers and creators a shared resource to use. This plan values the sovereignty of data, encourages fair innovation across the country, and works to spread the advantages of AI instead of concentrating them in a few hands.

9. CONCLUSION: SHAPING INDIA'S AI-POWERED HEALTHCARE WITH FAIRNESS

To conclude with, Artificial Intelligence has full capabilities to restructure India's massive and complex healthcare system. It brings new ways to tackle the insistent issues of uneven development, like the sharp divide between cities and rural areas, a lack of enough medical specialists' irregular care quality, and tough access to healthcare for those most in need. AI can easily close all of these gaps by improving the way we do diagnoses, creating personalised treatment options, speeding up administrative work, and making remote healthcare a reality. This will bring better health to people across the country.

This ability can become reality when solid lawful protections and planned governance systems support it. Without these measures, AI could worsen current inequalities, break down trust, and lead to new types of digital exclusion.

This framework must focus on achieving transparency in how AI algorithms work and how decisions are made so everyone involved can understand and review them. It will require to include fairness to address bias in algorithms and stop discrimination to ensure AI healthcare tools are helping all people. It will be irrespective of their income, location, or social background. Additionally, it should create clear accountability to track the creation, use, and results of AI systems. It will have options to fix harm when it happens.

It is vital to create a framework in India that allows sidelined communities to claim real data sovereignty. People always need real control over their health data. This must include their right to give informed consent whether it is about their data collection, sharing, or used. They also look for ways of AI systems handling their private information. Not only this, this framework must shield their data from being misused, exploited for profit, or traced back to them.

Reaching this important goal needs various approaches to move forward. Authorities need to reform and adapt laws like the Digital Personal Data Protection Act and health-related.