
AI AND THE RIGHT TO EQUITABLE EDUCATION IN INDIA

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ABSTRACT

Artificial intelligence is being introduced into Indian education at a pace that outstrips the legal and institutional frameworks meant to govern it. This paper examines whether that adoption threatens the constitutional promise of equitable education, and whether India's existing legal architecture is equipped to respond. Drawing a distinction between formal equality, which is satisfied once every student receives the same resource, and substantive equity, which requires that students starting from unequal positions receive what they actually need to reach comparable outcomes, the paper argues that an AI tutor offered on identical terms to a well-resourced urban school and an underfunded rural school may entrench the very inequality it claims to address. The analysis traces the constitutional and statutory framework governing education, including Articles 21A, 14, 15 and 45, the Right of Children to Free and Compulsory Education Act, 2009, and international instruments such as the UDHR and ICESCR. It then maps the opportunities and risks of AI in Indian education, from adaptive learning and translation tools to the digital divide, linguistic exclusion and the absence of binding fairness standards. Through a study of judicial developments in India, the United Kingdom and the United States, including the Jindal Global Law School litigation, the NLSIU AI-proctored entrance test case, the Ofqual grading algorithm and recent wrongful AI-detection suits, the paper identifies a consistent accountability gap. It concludes that Indian constitutional law is doctrinally rich but institutionally thin, and proposes four targeted reforms: a risk-tiered AI standard under the RTE Act, a statutory digital access floor grounded in Article 15(4), an educational algorithm audit and grievance mechanism, and mandatory AI literacy standards for teachers and institutions.

Keywords: Algorithmic Accountability, Artificial Intelligence, Digital Divide, Equitable Education, and Right to Education

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INTRODUCTION

India is one of the countries that operates the largest school and higher education system in the world, by enrolling over 250 million children in around roughly 1.5 million schools and more than 40 million students are being enrolled in colleges and universities.¹ The introduction of artificial intelligence into this system has been ever so rapid than the gradual introduction as such. The National Education Policy 2020 explicitly mentions about the incorporation of AI and computational thinking into schooling, the CBSE has introduced AI as an elective subject from Class IX onward, and also the Union government has committed public funds to a dedicated Centre of Excellence in AI for Education as well.

Government platforms such SWAYAM, DIKSHA and e Pathshala already use AI enables recommendation and translation features to reach the students across all the states and pass the language barriers. But it is to note that while private intuitions such Biju's and Coursera use adaptive algorithms to basically personalize the lessons that is being taught to the students.

'AI in education' functions as an umbrella term rather than a single technology as such. AI backed tools carry a genuine promise of inclusion. Adaptive systems can identify a struggling learner in real time and can provide the help that it is able to offer to the learner, intelligent translation can carry a Class VIII science lesson from English into Assamese or Tamil, and assistive technologies such as text to speech and vice versa can open the curriculum to children with visual or hearing impairments.² This is mainly because it covers personalised learning software that adjusts difficulty in real time, automated assessment engines that basically grade essays and short answers, virtual tutors and chatbots, learning analytics tools, and generative AI systems that are capable of producing a new text or practice material on demand.³

Each of the functions that is being performed by these applications is a distinct form of educational function, yet nearly all of them share a dependence on stable connectivity, functioning devices, and increasingly, a commercial relationship with a private technology vendor. And this dependence is the one that carries the direct implications for the argument

¹ EDUCATION FOR ALL IN INDIA, <https://educationforallindia.com> (last visited Aug. 1, 2026).

² Shipra Singh et al., *Analyzing the Impact of AI-Driven Platforms on Higher Education in India: A Digital Pedagogy Approach*, 41 INT'L J. SPECIAL EDUC. 99, 101 (2026).

³ D. Bharathi et al., *Ethical Implications and Integration of AI in Indian Education System: Opportunities and Challenges*, 2026 MINN. J. BUS. L. & ENTREPRENEURSHIP 2044 (2026).

that is developed in this paper.

This dependence raises a distinction that basically runs as the remainder of this paper, namely the difference being between equal education and equitable education. Equality, in its formal sense, is satisfied once every student is being offered the same curriculum or the same digital resource. While equity demands something more inspiring: that students who begin from different starting points, whether because of income, geography, disability, language or gender, are given what they actually require to reach a comparable educational outcome.⁴ An AI tutor that is being offered on identical terms to a well resourced urban school and an underfunded rural school may satisfy the formal equality while entrenching the substantive inequality, since one of the two schools is likely to possess the electricity, connectivity, devices and trained staff required to use it meaningfully. The Constitution of India speaks directly to this concern. Children between the ages of 6 and 14 are basically assured of free and obligatory education under Article 21A, while Article 14 basically talks about equality before the law and fair protection of the laws, Article 15 aims to forbid discrimination on the grounds including sex, caste and place of birth, and lastly Article 45, though being framed only as a Directive Principle, obliges the state to provide an early childhood education and care. Whether these provisions, framed before algorithmic tools existed in any classroom, extend to a right of equitable access to AI enabled education is the central legal question this paper investigates.

Against this background, the paper asks three connected questions. First, does India's existing constitutional and statutory framework adequately address the risks that AI poses specifically to educational equity. Second, do Indian judicial precedents, even where they do not concern AI directly, offer principles capable of guiding disputes over algorithmic decision making in education. Third, what legal and policy reforms would allow India to expand AI in education without deepening the very inequalities the right to education was designed to remedy.

LEGAL AND CONSTITUTIONAL FRAMEWORK GOVERNING EQUITABLE EDUCATION IN INDIA

Constitutional foundation

India's constitutional commitment towards education has evolved gradually rather than being

⁴ Aparna Nandi, *Artificial Intelligence in Education in India: Questioning Justice and Inclusion*, in ARTIFICIAL INTELLIGENCE: HUMAN RIGHTS, SOCIAL JUSTICE AND DEVELOPMENT 140, 141 (2019).

present in full in the original text of 1950, when education appeared only as the directive principle which is now found in Article 45, aspirational rather than enforceable.⁵ In the case of *Mohini Jain v. State of Karnataka*, the Supreme Court interpreted Article 21 to include the right to education, asserting that the right to life lacks significance without educational access.⁶ A year later, in *Unni Krishnan* case, the Court clarified this position, asserting that the right to free education under Article 21 was available to children until the age of fourteen, beyond which it would depend on the economic capacity of the state.⁷ The Constitution (Eighty-sixth) Amendment Act of 2002, gave a formal basis for this judicial recognition, inserting Article 21A to guarantee mandatory and free education for every child aged six to fourteen as an essential right.⁸

The Right of Children to Free and Compulsory Education Act, 2009

Parliament gave effect to Article 21A by enacting the 2009 Act, which fixes duties on the state and local authorities to create nearby schools, mandates a minimum reservation of seats for children from disadvantaged and weak sections in private unaided schools, and sets basic infrastructure and pupil teacher ratio norms. The constitutionality of this reservation requirement was the constitutionality of this reservation requirement in another case as well, which read the Act as a valid instrument for achieving the equality promised by Articles 14 and 15 rather than an unreasonable restriction on the autonomy of private institutions.⁹ Notably, the 2009 Act and the jurisprudence built around it were both drafted with a physical, infrastructure centred classroom in mind. Neither speaks to digital infrastructure, device access or algorithmic decision making, an omission this paper treats as a significant gap rather than a mere drafting oversight.

Article 14 and Non arbitrariness

This is the article that guarantees equality in this country and has been read by the Supreme Court to prohibit arbitrary state action, not merely unequal treatment between similarly placed persons.¹⁰ Applied to AI in education, this doctrine would require that any state decision to

⁵ INDIA CONST. art. 45.

⁶ *Mohini Jain v. State of Karnataka*, AIR 1992 SC 1858.

⁷ *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645.

⁸ INDIA CONST. art. 21A.

⁹ *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 SCC 1

¹⁰ *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3.

adopt, fund or mandate an AI tool in schools be on the basis of an intelligible differentia that has a rational nexus with the objective of improving educational outcomes, rather than being adopted merely because the technology is available or fashionable. A rollout that predictably benefits urban, English medium, well resourced schools while offering only nominal access to rural or vernacular medium schools could, in principle, be challenged as producing an arbitrary and unequal outcome even where the underlying policy appears facially neutral.

Article 15 and affirmative measures

This is the article that prohibits the discrimination on various grounds in this country and its clause four, inserted after the decision in *State of Madras v. Champakam Dorairajan*, which taken down caste based admission quotas as inconsistent with Article 15 in its original form, permits special provision for socially and educationally backward classes, as well as for Scheduled Castes and Scheduled Tribes.¹¹ Applied here, this article provides a constitutional basis not merely for tolerating targeted support such as subsidised devices, offline content packs or vernacular AI tools for disadvantaged students, but arguably for requiring it once the state chooses to make AI central to its education policy.

International Standards

Article 26 of the UDHR recognises education as a right and also directs that it is to be made available and accessible to all, while Article 13 of the ICESCR, to which India is a party, requires a growing realisation as to the right to education and links it expressly to the human dignity. Neither instrument is directly enforceable in Indian Courts, but both have been used interpretively to expand the content of Article 21 and Article 21A, and both support reading the right to education as including a right to meaningful, not merely formal, access to whatever tools the education system adopts.

Considering all of this, this framework confirms that Indian constitutional law already possesses the vocabulary needed to address technology driven educational inequality, non-arbitrariness under Article 14, affirmative action under Article 15, and substantive access under Article 21A. What it lacks is an operative mechanism, a body, standard or statutory duty that translates these principles into oversight of a specific AI tool before it is deployed in a

¹¹ *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226.

classroom. Equitable access to AI enabled education is, on this reading, not an entirely new right requiring fresh constitutional text, but an evolving dimension of the right to education that existing provisions can support once a suitable regulatory apparatus is built around them.

AI IN EDUCATION - THE OPPORTUNITIES, RISKS AND THE EQUITY GAP

Applications of AI in education

AI already performs a wide range of functions across the Indian education pipeline. On the DIKSHA platform, AI powered keyword search and a read aloud feature extend accessibility to visually impaired learners, while machine learning has been used to translate primary level textbooks into twenty two Indian languages.¹² The SWAYAM platform now offers more than a hundred AI related courses developed by the Indian Institutes of Technology and the Indian Institute of Science, and government skilling programmes such as SOAR train both students and teachers in foundational AI literacy.¹³ In higher education, institutions have begun using AI for automated grading, plagiarism detection, predictive analytics that flag students at risk of dropping out, and career counselling systems, though research synthesising these efforts across Indian higher education institutions notes that adoption remains uneven and heavily dependent on institutional infrastructure.¹⁴ Legal commentary on AI adoption in Indian education has separately observed that these tools rely heavily on the collection and processing of personal data, implicating the Information Technology Act, 2000 and the Digital Personal Data Protection Act, 2023 alongside the equality guarantees already discussed.¹⁵

Comparable examples from outside India illustrate the same pattern of genuine benefit alongside genuine risk. Georgia Institute of Technology's AI teaching assistant, built to answer routine student queries in a large online course, freed human instructors to focus on more complex needs, the University of Alicante's AI navigation application improved independence for visually impaired students on campus, and Ivy Tech Community College's early warning system is credited with helping thousands of students avoid course failure through timely

¹²PRESS INFORMATION BUREAU GOVERNMENT OF INDIA
<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2234853®=3&lang=1> (Sept. 13, 2026),

¹³Id.

¹⁴ Tatapudi Gopikrishna Vasista, Artificial Intelligence in Education: Legal Perspectives of India, 6(1) Internet of Things & A.I. J. (IOTA) 19 (2026).

¹⁵Shivi Kanjolia, *Transforming Innovation into Fairness: Tackling Legal Challenges in AI Enhanced Education in India*, 5 INDIAN J. INTEGRATED RES. L. 816 (2025).

intervention.¹⁶ A broader survey of similar case studies across schools and universities worldwide reaches a consistent conclusion: personalised learning, intelligent tutoring and automated feedback are the recurring gains, while algorithmic bias, overreliance and data privacy are the recurring risks.¹⁷

Potential of AI to promote educational equity

Used well, AI can narrow rather than widen gaps. Assistive tools like the government backed Readable application help children with dyslexia build phonetic awareness, and prototype tools are being developed to detect specific learning disabilities such as dysgraphia and dyscalculia at an early stage.¹⁸ Automatic translation and speech technologies can, in principle, bring quality content to a Hindi, Tamil or Odia speaking child on comparable terms to an English speaking child in a metropolitan school, addressing the linguistic dimension of inequity that has historically disadvantaged non English medium students. Predictive analytics can direct scarce teacher attention toward the students who most need it rather than the students who ask the most questions, a genuinely equalising use of the technology if deployed responsibly.

Risks to equitable education

Each of these opportunities carries a mirror risk. India's own digital divide data show sharp disparities in access, with only a small proportion of households nationally possessing both a computer and reliable internet connectivity, and rural and low income households consistently worse off, meaning that an AI tool delivered primarily through smartphones or broadband will simply bypass a large section of the very children the right to education is meant to protect.¹⁹ Language poses a related risk. Commentary on India's AI ecosystem has noted that the country remains comparatively data rich but compute poor, and that large models continue to be trained overwhelmingly on English and a handful of high resource Indian languages, so a personalised system may function well for an English medium student while offering a degraded, poorly translated experience for a student in a less represented language.²⁰ Misuse is a further concern already visible on the ground, commentary on Indian school education has documented

¹⁶DIGITALDEFYND, <https://digitaldefynd.com/?wsiqmenu> (last visited Sept. 1, 2026)

¹⁷Balbeer Prasad, Preeti & Shireen e Sadaf, *Case Studies of AI in Education: Transforming Learning Experiences*, *INT'L J. SCI. RES. & ENGG TRENDS* (ICAETP Conference Proceedings, Oct. 7, 2025), https://ijsret.com/wp-content/uploads/ICAETP.V11_issue_103.pdf.

¹⁸Supra note 12.

¹⁹ EDUCATION FOR ALL IN INDIA, <https://educationforallinindia.com> (last visited Aug. 16, 2026).

²⁰ Id.

cheating facilitated by generative tools, unverified AI generated content circulating as study material, and the absence of consistent preventive guidance for teachers confronting these problems.²¹ Empirical research within Indian legal education has similarly found extensive undisclosed use of generative AI by students while answering assessments, a finding that raises serious questions about whether automated assessment tools can reliably distinguish a student's own understanding from AI generated output.²² Overreliance on AI tutoring may also erode critical thinking and reduce the human mentorship that first generation learners in particular often depend upon, a concern flagged even in comparative regulatory responses, most visibly Norway's decision to substantially restrict generative AI tools in elementary classrooms until their pedagogical and developmental effects are better understood.²³ Institutional capacity compounds all of this: schools with better funding, trained staff and administrative bandwidth are simply able to procure, customise and monitor AI tools more effectively than schools without these resources, so that AI adoption tends to track, rather than correct, pre existing institutional inequality.²⁴

These strands converge on the central tension this paper investigates. Artificial intelligence has genuine, demonstrated potential to reduce educational inequality in India by extending individualised attention, translation and assistive support to students who have historically been underserved. At the same time, unequal access to devices, connectivity, language resources and institutional capacity, combined with an absence of binding standards on algorithmic fairness in education, means that the same technology, deployed without a legal and policy safeguard, is at least as likely to reproduce or deepen the inequality it is marketed as solving. Whether AI narrows or widens the gap in Indian education is therefore not a technological question so much as a legal and regulatory one, which the remainder of this paper addresses.

JUDICIAL DEVELOPMENTS AND CASES

Privacy and data protection

Justice K.S. Puttaswamy (Retd.) v. Union of India recognised privacy as a fundamental right

²¹ Id.

²² V.K. Ahuja & Harshita Gupta, *The Future of Legal Education in India in the Era of AI*, 11 NLUJ L. REV. 97 (2025).

²³ Norway Imposes Near Ban on Generative AI Tools in Elementary Schools: Lessons for India's Foundational Learning Priorities, EDUCATION FOR ALL IN INDIA (last visited Sept. 19, 2026), <https://educationforallinindia.com/norway-imposes-near-ban-on-generative-ai-tools-in-elementary-schools-lessons-for-indias-foundational-learning-priorities/>.

²⁴ EDUCATION FOR ALL IN INDIA, <https://educationforallinindia.com> (last visited Sept. 6, 2026).

flowing from Article 21, and required that any nation action affecting that right satisfy a threefold test of legality, legitimate aim and proportionality.²⁵ Because AI systems in education necessarily collect granular data on a child's performance, attention and even behaviour, any large scale deployment by a government school system would have to be tested against this proportionality standard, an exercise Indian education law has not yet undertaken in any structured way. The Digital Personal Data Protection Act, 2023 gives this concern a statutory dimension by treating the personal data of children as a special category requiring verifiable parental consent and prohibiting tracking or targeted advertising directed at children,²⁶ but the education specific rules under the Act are still being operationalised, leaving a considerable gap in practice.

Internet access and the right to education

The connection between internet access and the right to education has already been judicially recognised, if not fully settled. In *Faheema Shirin R.K. v. State of Kerala*, the Court quashed a hostel rule restricting mobile phone use, holding that the right to access the internet forms part of the right to education and the right to privacy under Article 21, and that restricting access to digital resources without adequate justification was arbitrary.²⁷ The Supreme Court's decision in *Anuradha Bhasin v. Union of India*, arising from an extended internet shutdown in Jammu and Kashmir, recognised that freedom of speech and expression and the freedom to carry on trade or profession under Article 19 extend to the medium of the internet, and required that any restriction on that access satisfy the standard of proportionality, though it stopped short of declaring internet access itself an independent fundamental right.²⁸ Read together, these decisions suggest that Indian courts are receptive to arguments that meaningful access to digital infrastructure, precisely the infrastructure an AI enabled education system depends upon, is constitutionally significant rather than a matter of policy discretion alone

Institutional duty of care in the education

Two decisions extend general education jurisprudence in ways directly relevant to AI adoption. In *Avinash Mehrotra v. Union of India*, the Supreme Court, responding to a fire tragedy in a school, held that the state and educational institutions owe children a positive duty of care and

²⁵Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

²⁶Digital Personal Data Protection Act, 2023, No. 22, Acts of Parliament, 2023 (India).

²⁷*Faheema Shirin R.K. v. State of Kerala*, 2019 SCC OnLine Ker 2976.

²⁸*Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

directed the framing of binding safety guidelines for all schools receiving recognition.²⁹ The reasoning translates naturally to a digital safety context: if physical infrastructure attracts a binding duty of care, there is a reasoned basis to extend a comparable duty to the digital and algorithmic infrastructure schools now rely upon, including obligations to test AI tools for bias and to ensure a baseline of safe, equitable access before mandating their use. In *Indian Medical Association v. V.P. Shantha*, the Supreme Court held that services rendered for a fee, including certain professional and educational services, could attract consumer protection principles, an approach that has since informed arguments that students receiving AI mediated instruction from private providers are entitled to standards of transparency and accountability comparable to those owed to consumers of any other service.³⁰

Algorithmic Decision making

Because Indian courts have not yet tested an AI powered assessment or admission tool, comparative reasoning from other jurisdictions is instructive, not as binding precedent but as a preview of the legal questions India will likely face. In 2020, the England and Wales examination regulator Ofqual attempted to standardise pandemic disrupted school leaving grades using a statistical algorithm that relied heavily on a school's historic performance rather than an individual student's own record. The algorithm downgraded a disproportionate share of high achieving students in large, historically lower performing schools, prompting a threatened judicial review that argued the process was irrational, discriminatory and inconsistent with data protection obligations on automated decision making; the government withdrew the algorithm and reverted to teacher assessed grades before the matter reached full judgment.³¹ The situation remains one of the clearest illustrations available of how an algorithm that appears neutral on its face can systematically disadvantage students from under resourced institutions, precisely the risk this paper identifies for India.

In the United States, *Houston Federation of Teachers, Local 2415 v. Houston Independent School District* considered a proprietary value added algorithm used to evaluate and, in several cases, terminate teachers based on their students' standardised test score growth. The federal district court held that the opacity of the algorithm, which the school district could neither

²⁹Avinash Mehrotra v. Union of India, (2009) 6 SCC 398.

³⁰Indian Medical Association v. V.P. Shantha, (1995) 6 SCC 651.

³¹CORNERSTONE BARRISTERS <https://cornerstonebarristers.com/legal-action-threatened-over-model-standardising-a-level-grades> (Sept. 8, 2020).

explain nor allow teachers to verify, violated the teachers' Fourteenth Amendment due process rights, reasoning that a person cannot meaningfully contest a decision based on a process that cannot be examined.³² These decisions establish a transferable principle of algorithmic due process: a decision with serious consequences for an individual, whether a teacher's employment, a defendant's sentence or, by direct extension, a student's grade or academic placement, cannot rest on a process the affected person is denied the ability to understand or challenge.

None of the Indian precedents discussed above were decided in an AI context, and none of the foreign decisions bind Indian courts. Read together, however, they indicate that existing judicial principles, proportionality under Article 21, non arbitrariness under Article 14, institutional duty of care, and algorithmic due process as recognised abroad, are doctrinally sufficient to support a legal challenge to an unfair or exclusionary AI tool in Indian education. What is missing is not judicial reasoning but a forum and a factual record: no litigant has yet brought a case squarely testing an AI tool used in an Indian school or university, leaving these principles latent rather than applied. This gap between available doctrine and actual adjudication is itself evidence that a proactive regulatory framework, rather than reliance on future litigation, is the more realistic route to protecting equitable access.

AI IMPLICATION IN EDUCATION

India: The Jindal Global Law School Litigation (2024)

In late 2024, a law student sued Jindal Global Law School after the university failed him on the basis that roughly 88 percent of his examination answers were assessed as AI-generated.³³ Whatever its ultimate outcome, the case is instructive because it crystallises, in one dispute, almost every legal weakness this paper identifies, that is, the reliability (or unreliability) of AI-detection software; the absence, at the time, of a clear, previously communicated institutional AI-use policy that the student could be judged against; and the student's entitlement to due process before an academic sanction with career-altering consequences is imposed. Indian administrative law has long required that even non-statutory bodies exercising quasi-judicial functions over students observe natural justice; the case tests whether that

³²Houston Fed'n of Teachers, Local 2415 v. Houston Indep. Sch. Dist., 251 F. Supp. 3d 1168 (S.D. Tex. 2017).

³³ Muskaan Sharma, *Law Student Sues Jindal Global Law School for Failing Him over '88% AI-Generated' Exam Answers*, Hindustan Times (Nov. 4, 2024), <https://www.hindustantimes.com/trending/law-student-sues-jindal-global-law-school-for-failing-him-over-88-ai-generated-exam-answers-101730721011828.html>.

established principle is being honoured when the evidence at issue is an opaque, proprietary AI-detection score rather than conventional plagiarism evidence.

India: The Supreme Court's Intervention in NLSIU's AI-Proctored Entrance Test (2020)

In 2020, the National Law School of India University, Bengaluru, announced that it would break away from the common CLAT admissions process and hold its own entrance test, the National Law Aptitude Test, administered entirely online with home-based, technology-assisted proctoring designed to flag suspected cheating through webcam and device monitoring. A former Vice-Chancellor of the university, along with the parent of a prospective candidate, challenged the move before the Supreme Court. Among their central arguments was that the technical prerequisites of a home-proctored format, where it included a personal laptop and a minimum broadband speed, which would effectively shut out applicants from low-income and rural backgrounds who lacked reliable access to either.³⁴ On 21 September 2020, a three-judge bench quashed the university's decision to proceed with the separate test. While the Court's core holding turned on the university's departure from the admissions consortium's own governing rules, its order also recorded serious concern that the proposed online, remotely monitored format lacked the transparency needed to guarantee a fair and genuinely accessible examination.³⁵ This issue is arguably the closest India's courts have come to confronting an AI-enabled evaluation tool directly against the equal-access guarantee in Article 21A, and it shows that, even absent a dedicated AI statute, Indian courts are capable of treating "equitable access" as an enforceable constraint on how an algorithmic tool may be deployed against economically disadvantaged applicants.

United Kingdom: The Ofqual Grading Algorithm (2020)

When the COVID-19 pandemic forced the cancellation of A-level examinations in England in 2020, the examinations regulator, Ofqual, substituted an algorithm that blended teachers' predicted grades with each school's historical performance data, in an effort to prevent nationwide grade inflation. When results were released that August, close to forty percent of predicted grades were revised downward, and independent statistical analysis showed the downgrading fell disproportionately on state-school students, while students at small, fee-

³⁴ Press Trust of India, *SC Cancels NLSIU Entrance Exam NLAT-2020*, CAREERS360 (Sept. 21, 2020), <https://news.careers360.com/sc-cancels-nlsiu-bengaluru-entrance-exam-nlat-2020>.

³⁵ Rakesh Kumar Agarwalla v. National Law School of India University, Bengaluru, (2020) INSC 537.

paying schools benefited from comparatively generous treatment built into the model's own design.³⁶ The resulting public backlash forced an unusually swift government reversal within days, with teacher-assessed grades reinstated and the algorithm publicly disowned by the Prime Minister himself. This issue is now widely cited internationally as the clearest illustration of how an algorithm, however well-intentioned, can reproduce and even sharpen the socio-economic inequality it was meant to help manage. And this case study acts as a caution that is directly relevant to the previous above discussion of this paper, on how an AI tool trained on already unequal data risks entrenching rather than dissolving existing disparities, whatever jurisdiction it is deployed in.

United States: Wrongful AI-Detection Findings Against Students (2025–2026)

A cluster of recent American lawsuits illustrates the risk, that arises when an institution relies on an AI-detection score without giving the accused student a meaningful opportunity to be heard. At Adelphi University in New York, an incoming first-year student was given a failing grade on a history paper after an AI-detection tool returned unusually high similarity scores that turned out, on closer inspection, to be nothing more than his list of citations; the university denied him an appeal and required him to complete a remedial plagiarism course before allowing him to register for further classes.³⁷ He sued, and in January 2026 a New York state judge ordered the university to expunge the finding from his academic record, holding that the university's decision, and its refusal to hear his appeal, rested on no valid basis and demonstrated no discernible reasoning. At Yale University, a student in the School of Management's Executive MBA programme filed a federal lawsuit in February 2025 alleging that he had been wrongly accused of using AI on a final examination on the strength of a single, admittedly unreliable detection tool, and that the university's honour-code process had denied him timely notice of the evidence against him and of the identities of those judging him. A comparable dispute arose at the University of Michigan in early 2026, where a student with documented generalised anxiety disorder and obsessive-compulsive disorder alleged that an instructor treated her characteristically formal, tightly structured writing as evidence of AI

³⁶ *The 2020 GCSE and A-level 'Exam Grades Fiasco': A Secondary Data Analysis of Students' Grades and Ofqual's Algorithm*, CENTRE FOR MULTILEVEL MODELLING, UNIV. OF BRISTOL, <https://www.bristol.ac.uk/cmm/research/grade/> (last visited Sept. 1, 2026).

³⁷ Johanna Alonso, Adelphi Student Wins AI Plagiarism Lawsuit, INSIDE HIGHER ED (Sept. 8, 2026, 6:36 PM) <https://www.insidehighered.com/>

authorship, and that the university disciplined her without giving adequate weight to the medical documentation she had supplied.

PROPOSED LEGAL AND POLICY FRAMEWORK

The above segments of the paper establish two things: first, that Indian constitutional law contains the underlying principles needed to police AI driven inequality in education, and second, that no operative mechanism currently applies those principles before an AI tool reaches a classroom. The following framework closes that gap through four targeted, implementable interventions rather than a wholesale new legal regime.

A risk tiered AI in education standard linked to the RTE Act

India should adopt a risk tiered classification for AI tools used in recognised schools, in keeping with the risk based, enablement first approach that recent Indian policy commentary has recommended for AI regulation generally.³⁸ Tools that materially affect a student's grade, promotion, admission or special education placement should be classified as high risk and subjected to mandatory pre deployment audit, disclosure of training data limitations, and a human in the loop requirement before any adverse decision is finalised. Lower risk tools, such as practice quizzes or optional revision aids, would face lighter registration requirements. State level readiness data already show wide variation in schools' capacity to absorb AI tools responsibly, which is itself an argument for calibrating obligations to risk and readiness rather than imposing a single uniform standard nationwide.³⁹ Crucially, this standard should be inserted as delegated legislation or rules under the Right of Children to Free and Compulsory Education Act, 2009, rather than left to a freestanding, non binding advisory, so that its equity conditions attach to the same statutory duty that already governs neighbourhood schools and the reservation for disadvantaged children. This anchors AI governance in Article 21A itself rather than in policy discretion that can be withdrawn without legislative process.

A statutory digital access floor grounded in Article 15(4)

Second, the framework proposes a statutory digital access floor: a minimum entitlement,

³⁸Supra note 1.

³⁹India's AI Readiness Index for School Education (AIRI SE) 2026, EDUCATION FOR ALL IN INDIA (last visited Sept. 19, 2026), <https://educationforallinindia.com/indias-ai-readiness-index-for-school-education-airi-se-2026/>.

comparable to the infrastructure norms already prescribed under the 2009 Act, guaranteeing that any AI tool made central to instruction in a government or aided school must be available through a low bandwidth or offline mode, and that the state must supply shared devices in schools where individual ownership cannot be assumed. This proposal draws directly on Article 15(4), treating digital access for disadvantaged and educationally backward students as the kind of special provision the Constitution already contemplates, and on the demonstrated model of DIKSHA, which shows that accessibility features such as read aloud functions and multilingual translation are technically achievable within an Indian government platform when built in from the start.⁴⁰

An educational algorithm audit and grievance mechanism

Third, the paper recommends a dedicated audit and grievance mechanism, functionally similar to bodies already piloted for AI fairness testing in other sectors, such as the participatory algorithmic auditing toolkit developed under the IndiaAI Mission.⁴¹ An education specific version of this mechanism, ideally housed within an expanded mandate for the National Commission for Protection of Child Rights or a newly constituted education technology authority, would carry out mandatory fairness audits of high risk AI tools before rollout, publish a public registry of tools in use in government funded institutions, and provide a low cost, expedited grievance channel through which a student or parent could challenge an adverse AI generated decision, directly answering the due process gap identified through Houston Federation of Teachers in the preceding section.

Mandatory teacher and institutional AI literacy standards

Fourth, and finally, the framework recommends binding, rather than merely aspirational, AI literacy training for teachers and school administrators as a precondition for any school receiving public funds to deploy AI tools in the classroom, building on existing but currently voluntary programmes such as the SOAR AI for Educators module.⁴² Because institutional capacity, not merely student access, was identified as an independent driver of inequity earlier in this paper, ensuring that every publicly funded school, not only well resourced ones, has

⁴⁰Supra note 12.

⁴¹Supra note 12.

⁴²Supra note 12.

staff capable of questioning, adapting and where necessary overriding an AI recommendation is a precondition for the other three recommendations to function as intended.

CONCLUSION

This paper set out to examine whether the rapid adoption of artificial intelligence in Indian education threatens the constitutional promise of equitable education, and whether the existing legal framework is equipped to respond. The findings suggest a framework that is doctrinally rich but institutionally thin. Article 21A, reinforced by Article 14's guarantee against arbitrary state action, Article 15's tolerance and arguable requirement of affirmative measures, and the directive principle in Article 45, together with the Right of Children to Free and Compulsory Education Act, 2009, already supply the constitutional and statutory vocabulary needed to demand that AI adoption in schools be non-discriminatory, proportionate and answerable to the state's duty of care. What is missing is an operative mechanism that applies this vocabulary before, rather than after, an AI tool is deployed.

By looking into the various cases studies examined in this paper make that gap concrete. The Jindal Global Law School litigation exposed the unreliability of AI-detection software and the absence of a clearly communicated institutional policy against which a student could be judged. The Supreme Court's intervention in the NLSIU entrance test demonstrated that Indian courts are willing to treat equitable access as an enforceable constraint on algorithmic evaluation, even without a dedicated AI statute. The Ofqual grading algorithm in the United Kingdom showed how a well-intentioned model trained on already unequal data can sharpen socio-economic disadvantage, while the recent American wrongful-detection suits illustrated the consequences of relying on opaque AI scores without meaningful due process. Together, these disputes confirm that the risk is not hypothetical, and that the doctrine available to Indian courts is latent rather than applied.

The four reforms proposed here are deliberately incremental rather than revolutionary. A risk-tiered standard under the RTE Act would attach equity conditions to an existing statutory duty. A digital access floor grounded in Article 15(4) would treat connectivity and devices as constitutional entitlements rather than policy generosity. An audit and grievance mechanism would give students and parents a forum to challenge adverse algorithmic decisions. Mandatory teacher AI literacy would ensure that every publicly funded school, not only well-resourced ones, has staff capable of questioning and overriding an AI recommendation.

What ultimately emerges from this study is that whether AI narrows or widens educational inequality in India is not a technological question. It is a question of law, institutional design and political will. The technology will continue to arrive in classrooms regardless. The constitutional promise of equitable education will only be honoured if the legal framework arrives with it, not after the harm has already been done.

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