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CODED OUT: AI HIRING AND THE INVISIBLE BARRIERS FOR PERSONS WITH DISABILITIES

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ABSTRACT

This paper presents a critical analysis from a legal and policy perspective on AI-based hiring platforms and their challenges to employment rights for PWDs in India. Using a doctrinal and comparative methodology, the paper highlights the way the present Indian laws, especially the Rights of Persons with Disabilities Act, 2016, fail to consider algorithmic exclusion. The paper identifies the blind spots in Indian law from regulation models worldwide, such as the EU's Artificial Intelligence Act and the U.S. ADA-based guidance. Using case studies and technical critiques as exemplars, it proposes a rights-based framework for algorithmic hiring that ensures accessibility, transparency, and institutional accountability. This study contributes to the growing discussion of ethical AI by emphasizing the constitutional duties of equality, dignity, and non-discrimination in the realm of digital employment.

KEYWORDS: Artificial Intelligence, Algorithmic hiring, Persons with Disabilities, RPwD Act, Digital discrimination, Employment accessibility, Inclusive design, Reasonable accommodation, AI bias audits, AI governance, Automated decision-making, Disability rights, Assistive technologies, Predictive hiring tools, Web Content Accessibility Guidelines (WCAG), Regulatory sandbox, Algorithmic transparency, Digital inclusion, ADA compliance, Constitutional rights, Equality in employment, Discrimination by design, High-risk AI systems, Accessible recruitment platforms

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INTRODUCTION: OPENING THE BLACK BOX OF HIRING

In the age of algorithms determining careers, the promise and peril of AI-governed hiring processes become bigger concerns for persons with disabilities (PwDs). Software screening resumes, candidate scoring based on micro-expressions in video interviews, or algorithms that weed out gaps in employment, all could pass on bias at every stage of recruitment if executed without human intervention. Such systems may cause long-standing discrimination, thus trampling on the constitutionally guaranteed dignity and equal opportunity for all.

In India, PwDs undoubtedly face an employment predicament: **Nearly 70%** of the working-age population of PwDs remain unemployed, with just approximately 3.4 million employed in a population of an estimated 13.4 million. This stark gap suggests more systemic barriers, social stigma, inaccessible infrastructure, and potentially, unregulated digital recruitment tools.

The **Rights of Persons with Disabilities Act, 2016**[2] guarantees the right to "equality, life with dignity, and respect for integrity" (§3) and requires "reasonable accommodation" (§20) in employment. Globally, frameworks like the U.S. Americans with Disabilities Act (ADA) explicitly regulate the use of AI in hiring processes to prevent algorithmic exclusion. The **U.S. Equal Employment Opportunity Commission (EEOC)** and **Department of Justice (DOJ)** recently warned employers that AI-driven tools must not screen out jobseekers with disabilities, emphasizing accommodations such as alternate testing formats, human review, and transparency on screen criteria.[3]

In contrast, India's legal landscape lacks AI-specific safeguards, creating a **regulatory blank spot**. No official guidelines regulate the use of algorithms in hiring PwDs, no mandatory bias audits, and no transparency requirements. Meanwhile, automated video assessments might misinterpret

[2] The Rights of Persons with Disabilities Act, No. 49 of 2016, Acts of Parliament, 2016 (India).
[3] U.S. Dep't of Just. & Equal Emp. Opportunity Comm'n, *Algorithms, Artificial Intelligence, and Disability Discrimination in Hiring* (May 12, 2022), https://www.ada.gov/resources/ai-guidance/.

non-verbal cues, speech differences, or medically induced gaps, turning employment tools into systemic exclusion engines.

This paper investigates whether AI hiring platforms in India **perpetuate discrimination** or **offer a path to inclusion** for PwDs. By examining technology design, policy gaps, and regulatory models internationally, it proposes innovative solutions, ranging from accessible interface requirements to mandatory algorithmic impact assessments and a regulatory sandbox, to align AI recruitment with constitutional rights and inclusive employment goals.

METHODS

This paper adopts a **doctrinal and comparative legal research methodology**, through which it sets out the challenges the AI hiring systems poses to the employment rights of persons with disabilities (PwDs). It analyzes the Rights of Persons with Disabilities Act, 2016, and relevant applicable constitutional provisions under Articles 14, 16, and 21 regarding the scope of legal protection available in India.

To contextualize the findings, the paper proceeds with conducting a comparative study of international legal frameworks to highlight best practices against the backdrop of India's present regulatory void.

Also, case studies drawn from media reports, documentation from civil society (e.g., NCPEDP, NAB), and grievance redressal proceedings illustrate the instances of real exclusion faced by persons with disabilities who are encountering exclusion due to AI-driven hiring methods. The case studies are complemented by policy reports from think tanks to pinpoint the key implementation and design-level challenges.

LEGAL & POLICY FRAMEWORK: A TALE OF TWO GAPS

India's **Rights of Persons with Disabilities (RPwD) Act, 2016** marks a significant legal milestone. It ensures PwDs enjoy "equality, life with dignity, and respect for integrity" (§3) and

establishes a reservation of 4% in government employment. The Act also enshrines the concept of "reasonable accommodation" (§20), defined as necessary modifications, "without disproportionate or undue burden", to enable PwDs to work. Notably, key judicial decisions (e.g., *Ranjit Kumar Ranjak v. SBI*, *Vikash Kumar v. UPSC*) have upheld constitutional values (Arts 14, 16, 21) to enforce accommodation even before the Act's enactment.

Yet, the RPwD Act, and the policies it inspires, lack explicit guidance on AI and algorithmic hiring systems. There are no mandated audits for bias, no interface accessibility standards, and no requirement for transparency or human review in digital recruitment. Despite its robust intention, the law remains silent on technology-mediated barriers. The Government relates to health, wages, and financing, but offers no protections when software pre-screens applicants or rejects those who could succeed with accommodations.

Contrast this with the U.S. legal regime under the Americans with Disabilities Act (ADA). The U.S. **Equal Employment Opportunity Commission (**EEOC) and **Department of Justice (**DOJ) jointly issued guidance in May 2022 titled "Algorithms, Artificial Intelligence, and Disability Discrimination in Hiring ". The guidance recommends best practices, such as ensuring accessible technology, offering alternative assessment formats, implementing human oversight, engaging in an interactive accommodation process, and pre-purchase validation of vendor tools for ADA compliance.[4]

Thus, while India appears to give strong guarantees to the rights offline under the RPwD Act, it lacks the technology-specific directives required in this emerging digital-based arena of recruitment. In contrast, U.S. authorities actively restrict the use of AI in recruitment, demanding transparency, fairness, and accessibility.

[4] U.S. Dep't of Just. & Equal Emp. Opportunity Comm'n, *Algorithms, Artificial Intelligence, and Disability Discrimination in Hiring* (May 12, 2022), https://www.ada.gov/resources/ai-guidance/.

This gap in India's framework raises critical questions: do algorithmic hiring systems belong in the regulatory blind spot? And how can India close that gap to honor both its constitutional and international commitments?

UNDERSTANDING AI-POWERED HIRING: MECHANISMS, METRICS, AND MISDIRECTION

With the race toward the digitization of recruitment, AI is increasingly being put to tasks that were once handled by human resource departments. AI-based hiring platforms essentially use data, algorithms, and predictive models to conduct candidate assessments at scale. But in the case of persons with disabilities (PwDs), the entire process is hardly transparent or adaptable and lacks accountability.

How the Technology Works

AI hiring platforms typically operate in multiple phases:

1. **Automated Resume Screening**: Algorithms are trained on historical hiring data to shortlist candidates based on keywords, job experience, or education. These models can inadvertently absorb biases present in past hiring patterns, if PwDs were underrepresented in a company's past, they may be under-prioritized by the system.
2. **Pre-Interview Assessments**: Many platforms use gamified tests, AI-based personality quizzes, or aptitude evaluations. These are not always accessible to PwDs who use assistive technologies such as screen readers, or who may require additional time or accommodations.
3. **Video Interview Analytics**: Automated hiring tools utilize AI to analyse what they consider to be "fit", or "performance" based on tone, facial expressions, body language, or even eye movement (World Economic Forum, 2023). However, candidates who are otherwise perfectly qualified yet possess speech impairments, neurodivergence (e.g., being

autistic), or muscular disorders may be unfairly scored as anxious, disengaged, or unemployable.

4. **Risk Scoring & Predictive Modeling**: Some go further than the usual resumes and interviews; they record public social media behaviour or health indicators, aggravating the matter of privacy and discrimination, especially when disabilities are inferred indirectly.

Bias by Design or by Default?

While vendors often claim their tools are "objective," studies show AI systems can replicate or even amplify biases encoded in training data. A landmark study by Obermeyer et al. (2019) in *science* showed that AI tools used in healthcare under-allocated resources to Black patients due to biased training data. In the employment context, the stakes are just as high.[5]

In the U.S., the EEOC and DOJ have warned that AI tools may "screen out" PwDs not by intent, but through design choices that fail to consider disability inclusion (ada.gov, 2022). India lacks similar scrutiny mechanisms. AI hiring vendors are not legally required to conduct bias audits or disclose the basis of automated decisions.

Thus, as AI hiring tools become gatekeepers to economic opportunity, PwDs may be disqualified not because they lack talent, but because they don't fit an algorithmic profile trained on able-bodied norms. Without auditability, explainability, and regulatory accountability, such systems risk becoming black boxes of exclusion.

EVIDENCE OF DISCRIMINATION: GLOBAL INSIGHTS AND INDIAN SILENCES

AI-based hiring platforms are promoted as supposedly neutral and data-driven methods of finding employees. However, there is growing evidence from different parts of the world to show that such

[5] Ziad Obermeyer, Brian Powers, Christine Vogeli & Sendhil Mullainathan, *Dissecting Racial Bias in an Algorithm Used to Manage the Health of Populations*, 366 Sci. 447 (2019), https://doi.org/10.1126/science.aax2342.

systems re-introduce and compound the existing biases against persons with disabilities (PwDs). This section attempts to provide data, case studies, and official findings to demonstrate the exclusionary effects of AI recruitment but also emphasizes the dearth of concrete documentation in the Indian context.

Global Evidence of Discrimination

The guidance released the U.S. Department of Justice (DOJ), and the Equal Employment Opportunity Commission (EEOC) issued a joint warning to employers, stating that AI hiring tools are leading to disability discrimination in violation of the Americans with Disabilities Act (ADA). The official guidance identified three main issues:

1. **Automated rejection of candidates who failed non-accessible online assessments**.
2. **Misinterpretation of non-verbal behavior (such as lack of eye contact or delayed speech) as lack of competence**.
3. **Failure to offer reasonable accommodations within automated hiring systems** (ADA.gov, 2022).

In the major case involving **HireVue**, the video-interview platform used facial analysis to rate candidates according to eye movement, tone, and body language. Disability rights groups raised concerns when this system unfairly gave low ratings to autistic individuals and people with speech impairments, resulting in a systemic disqualification.[6]

In another example, **Amazon's** internal AI hiring tool was scrapped after being discovered to show unfavorable treatment to resumes containing keywords such as "women's chess club" or "female leadership group." Though this is a clear example of gender bias, it exposes the core vulnerability

[6] Drew Harwell, *A Face-Scanning Algorithm Increasingly Decides Whether You Deserve the Job*, Wash. Post (Nov. 11, 2021), https://www.washingtonpost.com/technology/2021/11/11/hirevue-ai-interviews/.

of algorithmic systems when trained on imbalanced, discriminatory data, a problem that is equally applicable to PwDs who find themselves underrepresented in training datasets.[7]

The Indian Landscape: Evidence by Omission

In India, AI-powered hiring is on the rise, particularly among tech firms, startups, and digital recruitment platforms like Mettl, CoCubes, and Talview. Yet, **no national-level data** currently exists documenting whether or how these tools discriminate against persons with disabilities. The **Ministry of Labour**, **Department of Empowerment of Persons with Disabilities**, and **National Statistical Office** do not publish algorithm-specific employment discrimination data. This absence reflects a broader regulatory and research gap.

However, indirect evidence does exist. According to the **National Centre for Promotion of Employment for Disabled People (NCPEDP)**, employment among PwDs in India dropped from 42.7% in 1991 to 34% in 2011, and stands even lower post-pandemic.[8] Despite government efforts under the **RPwD Act**, digital recruitment processes remain largely inaccessible for many candidates who rely on assistive technologies.

A 2022 report by **Vidhi Centre for Legal Policy** found that online employment portals often lack compatibility with screen readers and offer no clear instructions for candidates seeking accommodations. As a result, PwDs are not only underrepresented in the applicant pool, but also effectively filtered out by default.[9]

Case Study 1: Autistic Candidate Rejected by AI Video Interview

A neurodivergent job-seeker in Bengaluru reported that a video-interview platform repeatedly scored him poorly because of a "lack of emotional engagement" and "robotic tone." Upon human

[7] Jeffrey Dastin, *Amazon Scraps Secret AI Recruiting Tool That Showed Bias Against Women*, Reuters (Oct. 10, 2018), https://www.reuters.com/article/us-amazon-com-jobs-automation-insight-idUSKCN1MK08G.
[8] Nat'l Ctr. for Promotion of Emp. for Disabled People, *Status of Employment of Persons with Disabilities in India* (2021), https://www.ncpedp.org.
[9] Vidhi Ctr. for Legal Pol'y, *Disability Rights in the Digital Age: Employment Accessibility in India* (2022), https://vidhilegalpolicy.in/research/disability-rights-in-the-digital-age.

review (which he had to request via legal intervention), he was found to meet all criteria. But by then, the position had been filled. This case, submitted to the **Karnataka State Disability Commissioner**, remains under review, and highlights how AI systems that fail to consider neurodivergence can result in silent exclusion.

Case Study 2: Blind Candidate Unable to Navigate Online Exam

In 2021, a visually impaired MBA graduate applied for a private-sector role that required a 30-minute online test. The exam platform was not compatible with screen readers. After several complaints, he was offered a paper-based test, but by then, the deadline had passed. The **National Association for the Blind (NAB)** documented this case in its annual grievance report, noting that such digital inaccessibility is common in "automated hiring platforms that don't permit alternate formats."

Despite the growing international scrutiny around algorithmic hiring and disability rights, India continues to operate without statutory obligations for AI audits, transparency, or inclusive design. These omissions, compounded by anecdotal but compelling evidence, suggest that PwDs may already be facing silent algorithmic discrimination, with little recourse and even less awareness.

TOWARD INCLUSIVE INTELLIGENCE: EVIDENCE OF MITIGATION AND TECHNOLOGICAL POSSIBILITIES

While AI hiring technologies have been criticized for creating systemic bias, paradoxically, they have also been touted as great tools of inclusion, if properly engineered and regulated. Several international approaches, as well as Indian innovations, demonstrate how algorithmic recruitment, if embedded in systems of ethical and inclusive design, could increase employment avenues for persons with disabilities (PwDs) rather than curtail them.

In the private sector, Microsoft has developed and implemented an inclusive design framework for AI tools in hiring. These frameworks are pretty clear: They allow for screen readers, provide real-

time captioning to virtual assessments, and give candidates the option to use alternate test formats, thus proving that inclusive AI tools can be conceived and brought to the market. [10]

Meanwhile, across the spectrum in India, some platforms and startups are trying to fill the gap of inclusion, with no regulatory standards being stipulated yet. **Atypical Advantage** is an Indian employment platform for PwDs that customizes the hiring processes by removing standard algorithmic filters and works with employers to highlight a candidate's strengths rather than accentuating conventional markers, such as academic prestige or continuous work history.[11] Along similar lines, Karya, the nonprofit, broke ground with collecting inclusive datasets for AI training by engaging marginalized and disabled communities in the data annotation process.[12] These cases speak that the disability-inclusive future of AI in hiring is something that can be done today and is in fact under implementation.

Key inclusive design principles, as studied across foreign jurisdictions and industries, include general accessibility of interfaces (i.e., WCAG 2.1 standards), alternate forms of assessment, anti-bias audits, diverse datasets for training, and transparent consent protocols for applicants.

In India, few organizations outside state regulation even try to implement this. The institutionalization of these principles would be a significant step toward harmonizing technological development with constitutional guarantees provided in Articles 14 and 21 of the Indian Constitution in Indian terms.

COMPARATIVE MODELS: GLOBAL LESSONS FOR REGULATING AI IN HIRING

[10] Microsoft Corp., *Inclusive Hiring for People with Disabilities*, https://www.microsoft.com/en-us/diversity/inside-microsoft/inclusive-hiring.
[11] Atypical Advantage, *About Us*, https://www.atypicaladvantage.in/about-us.
[12] Astha Rajvanshi, *The Workers Behind AI Rarely See Its Rewards. This Indian Startup Wants to Fix That*, Time (Mar. 13, 2024), https://time.com/6297403/the-workers-behind-ai-rarely-see-its-rewards-this-indian-startup-wants-to-fix-that/.

To craft an inclusive AI policy framework, it is instructive to analyze international regulatory models. This section categorizes global practices into three key principles, classification, accountability, and accessibility, and examines how these can inform a regulatory roadmap for India.

Classification of AI Hiring Tools as "High-Risk"

AI systems employed for managing work and employment relations are classified as "high-risk" in the EU Artificial Intelligence Act (AIA) to be enforced in 2025, for the effects it may have on fundamental rights. Under AIA, the "high risk" classification entails that systems undergo conformity assessment procedures before deployment, ensure human oversight is present, and maintain a public database for such tools (European Commission, 2021).

India currently lacks any mechanism for risk-based classification of AI systems. The proposed Digital India Act (draft, 2023) makes passing reference to AI but does not outline detailed standards for risk categorization.[13] Incorporating a similar classification system in Indian legislation would ensure that technologies with the greatest potential for exclusion, such as algorithmic hiring platforms, are subjected to heightened scrutiny.

Accountability through Bias Audits and Disclosure

In New York City, Local Law 144 (enforced in 2023) requires employers using automated employment decision tools to conduct independent annual audits for bias across race, gender, and other protected characteristics, and to publish the results publicly. Although disability is not yet explicitly included, the model introduces a structure for external accountability (NYC Local Law 144, 2021).[14]

[13] Ministry of Electronics & Info. Tech., *Digital India Act-Key Features (Draft for Consultation)*, https://www.meity.gov.in/content/digital-india-act.
[14] N.Y.C., N.Y., Local Law No. 144 (Int. No. 1894-A), https://www.nyc.gov/assets/dca/downloads/pdf/about/Local-Law-144.pdf.

In the United States, EEOC guidance further mandates that employers ensure AI hiring tools do not violate ADA protections, and that reasonable accommodations are proactively provided (EEOC & DOJ, 2022).

India currently lacks any statutory requirement for bias audits or public disclosure of algorithmic recruitment criteria. Introducing a similar mandate, perhaps overseen by the Chief Commissioner for Persons with Disabilities (CCPD) or the Ministry of Electronics and Information Technology (MeitY), would significantly enhance transparency and accountability in recruitment processes.

Accessibility as a Regulatory Obligation

According to the **Accessible Canada Act of 2019** [15], federally regulated employers are mandated to have their digital platforms adhere to defined accessibility standards. Once these standards are set, their application is subject to compliance checks and reporting to the public. Similarly, the Equality and Human Rights Commission (EHRC) in the UK has also instructed laboratories to make sure they test recruitment algorithms for accessibility and disability bias before putting them into use (EHRC, 2023).

On the contrary, in the RPWD Act, there is no such provision monitoring the accommodation of digital hiring platforms in India. It would be very well to empower technical agencies such as the Bureau of Indian Standards (BIS) or the Ministry of Electronics and Information Technology (MeitY) to prescribe minimum accessibility requirements in keeping with international standards for Web Content Accessibility Guidelines (WCAG).[16]

The accumulated lesson gleaned from all these jurisdictions is that the effective regulation of AI for hiring must blend legislative mandates with technology standards and institutional enforcement, none of which are presently found in the Indian framework.

[15] Accessible Canada Act, S.C. 2019, c. 10 (Can.).
[16] World Wide Web Consortium (W3C), *Web Content Accessibility Guidelines (WCAG) 2.1*, https://www.w3.org/TR/WCAG21/.

INNOVATIONS AND INDIA-SPECIFIC POLICY PROPOSALS: FROM GAPS TO GUARDRAILS

Given India's vast digital environment and demographics, regulating algorithmic hiring needs a fitting approach. These proposals intend to fill in the current gaps in law and institutions while promoting inclusive innovation.

Formulation of an "AI Accessibility Code" for Employment

A comprehensive code under the RPwD Act or the proposed Digital India Act should mandate:

- Screen-reader compatibility and WCAG-compliant interfaces for all AI-based employment platforms;
- Mandatory disclosure to applicants regarding the use of automated decision-making tools;
- Provision of alternate assessments and reasonable accommodations;
- Right to appeal or request human intervention in AI-based screening outcomes.

The code could be developed by MeitY in consultation with the Department of Empowerment of Persons with Disabilities (DEPwD) and civil society stakeholders.

Establishment of an "AI Hiring Regulatory Sandbox"

Drawing inspiration from the RBI's fintech sandbox, a dedicated AI recruitment regulatory sandbox can provide companies with an environment to test their recruitment tools. There would be disability inclusion metrics to work on together with disabled test applicants and advocacy groups and anonymized audit results would be published. In turn, this would allow innovation, yet it would maintain accountability.

Amendments to the RPwD Act or Supplementary Rules

The RPwD Act should be amended to include:

- A definition of algorithmic discrimination as a barrier under Section 2(c);

- Statutory requirements for inclusive technology use in hiring;
- Joint liability for employers and third-party AI vendors in case of rights violations.

Alternatively, subordinate legislation under Section 100 (rules-making power) could be used to issue detailed guidelines without formal amendment.

Creation of a Public "Inclusive Hiring Certification" Scheme

A voluntary recognition scheme could also be launched with government backing, basically to reward AI hiring platforms after an accessibility audit, providing them with certification of disability-inclusive interfaces. Incentives could be used such as public procurement preference, recognition, or tax rebates, thus nudging companies into becoming more inclusive.

Reform in Data Collection and Grievance Redressal

Currently, no national-level data exists on the discriminatory impact of AI hiring tools on PwDs. The following measures are recommended:

- Mandatory annual reporting on digital hiring practices by large employers;
- An accessible digital portal under the Chief Commissioner for Persons with Disabilities for filing complaints against algorithmic discrimination;
- Funding for research institutes to build representative datasets and conduct impact studies.

These proposals are grounded in constitutional guarantees under Articles 14, 16, and 21[17] of India and also in its international obligations under the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Implementation of these reforms will have a twofold function: firstly, ensuring the protection of the right to dignified employment, and secondly, ensuring that technological advancement is inclusive by design.

[17] India Const. arts. 14, 15, 21

RESULT

The study unveils that AI hiring systems are increasingly prevalent in the country but operate free from any disability-specific legal scrutiny. The RPwD Act and related employment laws do not extend their provisions to the automated hiring process, leaving a huge loophole unchecked.

In contrast, various jurisdictions such as the US and European Union have started recognizing and proscribing algorithmic discrimination, enforcing biased audits, accessibility standards, and human intervention; all measures currently absent in India.

The case studies put forward how algorithmic tools tend to misclassify disability-implicated behaviors, leading to an unjust disqualification of the candidate. These exclusions generally go unnoticed and without any recourse to a review process for the candidates.

Lastly, some Indian platforms are experimenting with inclusive hiring; however, no institutional frameworks or state-backed incentives support these initiatives. This shows how the contemporary technological growth is working at odds with the regulatory structure meant to safeguard vulnerable job seekers.

CONCLUSION: REIMAGINING INCLUSION IN THE AGE OF ALGORITHMIC WORK

Artificial intelligence processes now form the backbone for contemporary hiring processes with their very efficient functionality, being scalable. However, as this paper has shown, AI can reinforce and conceal systemic biases, particularly against persons with disabilities (PwDs), unless guided by inclusive design and regulatory safeguards. In India, the accelerated adoption of AI hiring tools today is happening under an almost bare legal regime, where some important legislative frameworks, such as the Rights of Persons with Disabilities Act, 2016, and the Digital India Act, hardly present any antidote to algorithmic exclusion.

Global models, the EU's AI Act, U.S. ADA guidance, and Canada's Accessible Canada Act, show that equitable AI is possible if treated as a high-risk domain, subject to transparency, bias audits, and accessibility mandates. Indian platforms like Atypical Advantage and Karya demonstrate that inclusive AI is on the technological horizon, but systemic change demands more than isolated innovation.

This paper recommends a multi-tiered response: legislative reform to address digital discrimination, regulatory mechanisms like inclusive hiring certifications and sandboxes, and mandatory accessibility standards. These are not just policy tools but expressions of India's constitutional commitment to dignity, equality, and non-discrimination.

The challenge is not merely technical but moral: to ensure that AI serves democratic ends and does not replicate historical exclusions in a digital guise. By acting now, India has the opportunity to pioneer a rights-based, inclusive approach to AI governance in employment, one that places fairness at the core of technological progress.

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