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## **Introduction**

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## **Preface**

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

## **Description**

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

# **AUTOMATION AND THE RIGHT TO LIVELIHOOD: CONSTITUTIONAL DILEMMA A CHANGING EMPLOYMENT LANDSCAPE**

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## **Abstract:**

The article seeks to examine the challenge posed to the human right to work by automation and technological advancement, analyzing their implications for employment and the manner in which the right to work should be interpreted in an automated era. Although fundamental human rights receive significant attention in the contemporary age of rights, the right to work is increasingly marginalized amid rapid automation. The article presents employment as a universal human right and highlights the transformation of the modern workplace. It explores differing views on automation, ranging from expectations of short-term technological unemployment to concerns about long-term joblessness. Emphasizing that the right to work goes beyond mere employment to include fair remuneration and safe working conditions, the article traces its recognition within international labour law, particularly under instruments such as the Universal Declaration of Human Rights. While automation promises efficiency, it also raises serious concerns regarding job displacement and inequality, making adaptation essential. The article identifies contrasting perspectives on whether automation will ultimately create or eliminate jobs, underscoring the uncertainty involved. It argues that the right to work faces significant challenges in this context and requires context-specific solutions to coexist with automation. Ultimately, the article calls for informed debate and balanced strategies that protect human dignity while accommodating technological progress.

**Key words:** Human Right, Automation, Right to Work, Joblessness, Technological Development.

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## Introduction:

Although the protection of fundamental human rights has significantly advanced through expanding national and international legal frameworks, and contemporary society is often described as living in an “era of rights,” certain rights remain insufficiently emphasized. Notably, the right to work is frequently marginalized in human rights discourse. Yet, access to employment is a universally recognized human right closely linked to human dignity, requiring both states and businesses to actively safeguard and promote essential labour rights in accordance with established human rights standards<sup>4</sup>.

Recent advances in AI, robotics, and the Internet of Things have ushered in a new era of automation, often described as Industry 4.0. In this phase, AI-driven technologies are capable of performing not only routine tasks but also complex functions involving judgment that were once considered exclusive to humans. AI affects employment in three key ways: by complementing human work, replacing humans in certain tasks, and creating new forms of employment. In this context, it is essential to assess the impact of these technological changes on jobs in India. This policy brief reviews national and global studies on AI’s employment effects with a focus on India and concludes with recommendations for policymakers<sup>5</sup>.

India’s vast academic system produces millions of talented graduates each year who are expected to drive the country toward its USD 5 trillion economic goal. However, rapid advances in automation, AI, and robotics are eroding traditional entry-level jobs, leaving many degree holders struggling in a labour market that no longer values their qualifications. If this growing disconnect between education and employment is not addressed, it risks economic stagnation, social instability, and the squandering of India’s crucial demographic advantage<sup>6</sup>.

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<sup>4</sup> Viktoria Hopek, Human Right to Work in the Age of Automation, 5 *Transborder Economics*, 7-8 (2023).

<sup>5</sup> Dr Amit Kumar, Professor Sachin Chaturvedi, Dr K. Ravi Srinivas, *Artificial Intelligence and Its Impact on Jobs in India*, (June 18, 2021) [https://www.ris.org.in/sites/default/files/Publication/Policy%20brief-104\\_Amit%20Kumar.pdf](https://www.ris.org.in/sites/default/files/Publication/Policy%20brief-104_Amit%20Kumar.pdf)

<sup>6</sup> K Ramachandran, Degrees without jobs: The looming employment crisis in the age of automation and AI, *The NEWS Minute* (Jul 30, 2025), at 3.

As AI expands across industries, it is reshaping work by automating tasks and boosting efficiency, while also raising concerns about job displacement, declining job quality, and reduced opportunities for early-career workers. These changes interact with existing labor market inequalities, as entry-level roles across various sectors face growing automation. Although AI is often framed as augmenting human work, many organizations are restructuring and reducing hiring, posing significant challenges to workers' rights and labor market participation<sup>7</sup>.

### **Constitutional Guarantee of Right to Livelihood:**

The Right to Livelihood refers to the entitlement of every individual to earn a means of living through work, occupation, or profession without unlawful interference by the State. Although the Indian Constitution does not expressly mention the term "*right to livelihood*" in its Fundamental Rights chapter, the Supreme Court of India has read it into other constitutional guarantees to ensure that life under the Constitution retains its dignity and substance. Livelihood is fundamental to human existence without a guaranteed way of earning one's living, life itself loses meaning.

The Bedrock of the Right to Livelihood<sup>8</sup> lies within the wide canopy of the Indian Constitution contemplating that while Article 21 contains no explicit reference to livelihood, the Supreme Court has progressively interpreted the term "life" in a broad and dynamic manner. According to this interpretation, "life" encompasses much more than mere biological existence it includes the right to live with dignity and all essential facets that make life meaningful, such as food, shelter, health, and livelihood. Therefore, the right to livelihood is treated as a component of the right to life because without the means of earning a living, life with dignity cannot be sustained.

The Supreme Court's judicial interpretation has played a crucial role in constitutionalizing the right to livelihood in one of the celebrated cases<sup>9</sup> the Apex Court held that the right to life under Article 21 includes the right to livelihood. The case involved pavement dwellers and street hawkers who were directed to vacate public spaces by municipal authorities. The Court observed that no

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<sup>7</sup> Sarah Ryan and Cecely Richard-Carvajal, AI and the Future of Work: Assessing the Human Rights Implications of Job Displacement, (June 26, 2025) <https://articleoneadvisors.com/ai-and-the-future-of-work-assessing-the-human-rights-implications-of-job-displacement/>

<sup>8</sup> The Const. art 21.

<sup>9</sup> Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180 (India).

person can live without the means of livelihood, and if livelihood were not treated as part of the right to life, it would be too easy for the State to take away a person's life by depriving them of their ability to earn a living.

The Court clarified that while the State is not required to provide employment or livelihood as a matter of affirmative obligation, it cannot deprive a person of this right except by fair, just, and reasonable procedure established by law. The deprivation must conform to principles of natural justice and must not be arbitrary. Moreover, in an another leading judicial pronouncement<sup>10</sup> reaffirming the principle laid down in the former case the Court observed that the right to life includes the right to livelihood and that this right cannot be subjected to the whims of individuals in authority.

Although Article 21 considered is the principal constitutional source for the right to livelihood, several other constitutional provisions support its philosophical and legal underpinning such as under the Directive Principles formulated for the Government<sup>11</sup> the State is required to secure for all citizens an adequate means of livelihood. Furthermore, Article 41<sup>12</sup> directs the State to make effective provisions for securing the right to work and public assistance in appropriate cases. While these principles are not justiciable in courts, they guide constitutional interpretation and legislative actions.

Moreover, Part III of Constitution provides citizens the right to practice any profession, trade or business. This freedom directly supports the right to earn one's livelihood, subject to reasonable restrictions in the interest of the State<sup>13</sup>.

The right to livelihood is considered implicit within the broad understanding of the right to life. This means that the State cannot arbitrarily interfere with a person's means of earning without compliance with fair and reasonable legal procedures.

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<sup>10</sup> Delhi Transport Corporation v. DTC Mazdoor Congress, AIR 1991 SC 101 (India).

<sup>11</sup> The Const. art. 39, cl. 1 (a).

<sup>12</sup> The Const. art. 41 1 (a).

<sup>13</sup> The Const. art. 19 1 (g).

The Constitution does not mandate that the State must provide employment to everyone. Rather, the State must ensure that no person is denied the opportunity to earn a living without lawful, just, and reasonable process.

Any action by the State that directly affects a person's livelihood must pass the test of fairness and non-arbitrariness as demanded by Article 14 and Article 21.

The Supreme Court has repeatedly emphasized that the right to live with human dignity is at the heart of Article 21. livelihood is an essential precondition for dignity because it enables individuals to sustain themselves and participate meaningfully in social and economic life. Deprivation of livelihood often results in a reduction of life to bare existence, which the Constitution seeks to prevent<sup>14</sup>.

Although not expressly enumerated as a separate fundamental right in the Constitution, the right to livelihood in India is constitutionally guaranteed through the expansive interpretation of Article 21. Supported by Article 19(1)(g) and the Directive Principles, this right ensures that the State cannot deprive any person of their means of living except through just, fair, and reasonable legal procedures. The jurisprudence on this subject underscores the constitutional commitment to human dignity, social justice, and the protection of individual rights within the framework of the Indian constitutional order.

### **RISE OF AUTOMATION AND CHANGING WORKING CONDITIONS:**

The growing incorporation of intelligent machines and automated systems into workplaces has generated serious concern about their implications for the right to work. As the rise of automation increasingly replaces functions that were earlier performed by human labour, questions emerge regarding employment security, legal responsibility, and the adequacy of existing labour protections. The right to work, recognized as a core human right in international legal instruments, is built upon the assumption that individuals can earn a livelihood through meaningful

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<sup>14</sup> Nitya Paliwal, Progression of Article 21: The Fundamental Right to Life and Personal Liberty, 6 IJLRA 473, 467 (2007).

employment. However, rapid technological transformation is disrupting this traditional understanding by altering how work is performed and by whom. While automation has become an unavoidable feature of modern economic development, its disruptive consequences must be carefully managed to prevent social and legal imbalance<sup>15</sup>.

The influence of automation on employment is complex and contradictory. On one hand, automated technologies improve efficiency, reduce costs, and generate new categories of work that did not previously exist. On the other, they significantly threaten jobs that involve routine, repetitive, or predictable activities. Large-scale studies have indicated that a substantial proportion of existing occupations particularly in industrial and clerical sectors are vulnerable to technological replacement, exposing millions of workers to the risk of displacement. This shift creates a direct challenge to the right to work by undermining stable access to employment.

Beyond job losses, automation also raises questions of responsibility and accountability. When automated systems perform tasks that cause errors, accidents, or economic harm, it becomes difficult to determine whether liability lies with the employer, the technology provider, or the system itself. At the same time, the growing reliance on automated processes renders many traditional skills obsolete, compelling workers to continuously retrain in order to remain employable. Those unable to adapt face exclusion from the labour market, thereby weakening the practical enjoyment of the right to work<sup>16</sup>.

In response to these challenges, several policy strategies have been suggested. The introduction of mechanisms such as universal income support could provide financial security to those affected by technological displacement. Expanded investment in education, digital literacy, and vocational reskilling can enable workers to transition into roles that complement automated systems rather than compete with them. Moreover, legal and regulatory frameworks must be developed to assign clear responsibility for harm caused by automated decision-making and to ensure that technological deployment does not undermine fundamental labour rights. Stronger social security

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<sup>15</sup> Ms. Amrita Kaur Johar, Right to Work and Artificial Intelligence, 11 JETIR 317, 320 (2024).

<sup>16</sup> Bharat Gaikwad R, The Intersection of AI with Constitutional and Human Rights with Focus on Employment Impact, 6 IJLSI 108, 124- 125 (2024).

and labour-welfare mechanisms are equally essential to absorb the shocks of technological disruption.

Globally, governments and institutions have begun recognizing the urgency of regulating automated technologies in the workplace. The European Union, for example, has proposed legal frameworks that impose strict liability for harm arising from automated systems. Such initiatives reflect a growing understanding that technological innovation must be balanced with human rights protection. In contrast, India currently lacks a comprehensive legal regime to address the employment-related risks posed by automation. Given the scale of its workforce and the vulnerability of informal labour, regulatory intervention is no longer optional. If human dignity and the right to livelihood are to be preserved in an automated economy, it is imperative that the deployment of automated technologies is carefully regulated so that they enhance human productivity rather than replace human workers altogether<sup>17</sup>.

### **Impact of automation on employment and human dignity:**

AI is expected to significantly transform labour markets by fostering creativity and automating routine tasks. The World Economic Forum predicts that more than 69 million jobs will be created by 2027, with around 75% of surveyed companies planning to adopt AI in the workplace. AI can also assist in the regulation and enforcement of labour laws by automating monitoring, analysing data, and supporting the implementation of legal guidelines. However, the use of AI in workplaces presents serious challenges, particularly for labour law. In India, where labour laws address issues such as discrimination, wages, working hours, and workplace safety, poorly designed AI systems may reinforce bias, create new safety risks, and adversely affect workers' rights, including compensation and employee benefits<sup>18</sup>.

**Job displacement:** One of the most significant consequences of automation and artificial intelligence is job displacement, as machines and intelligent systems are increasingly able to perform tasks that were traditionally carried out by humans. Certain occupations particularly those

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<sup>17</sup> Dr. Piyush Dungal, Right to Livelihood and Replacement of Manual Labour Work Force: A Critical Study, 8 IJLLR, 134, 137 (2023).

<sup>18</sup> K Sriya Manasa, The Impact of AI and Technology on Indian Labour Laws, 8 IJNRD, 806 (2023).

involving routine and repetitive manual activities are more susceptible to automation. As AI technologies advance, workers in sectors such as manufacturing, transportation, and customer service face an increased risk of job loss due to the growing replacement of human labour by automated systems<sup>19</sup>.

**Discrimination and bias:** Discrimination and bias constitute a major concern in the use of AI within the workplace. In *Soma Mondal v. Union of India*, the petitioner questioned the adoption of AI-based recruitment by public sector banks on the ground that it disadvantaged candidates from rural and underprivileged backgrounds. Since AI algorithms depend on historical data for training, they may replicate and even intensify existing social biases. Consequently, if such systems are trained on data reflecting gender or racial prejudice, they are likely to produce discriminatory outcomes by favouring one group over others<sup>20</sup>.

**Right of privacy:** The use of AI tools involves extensive processing of personal data, which increases the risk of loss of control over such information and potential violations of the right to privacy. At the same time, AI significantly affects employment and job opportunities. Although it is often argued that automation will create more jobs than it displaces, these new roles require reskilling and continuous learning. Not all individuals will have equal access to opportunities or the capacity to acquire new skills, leading to exclusion and inequality in the evolving labour market<sup>21</sup>.

### **The Rise of Gig Economy Jobs and Contract Work:**

The growth of automation and technological innovation has reshaped employment structures, contributing to the rapid expansion of the gig economy and contract-based work. In India, digital platforms have accelerated this shift by linking workers with clients across sectors such as ride-hailing, food delivery, and freelance services. While gig work provides flexibility and greater control over working hours, it also raises concerns regarding job security, social benefits, and income stability, as such workers lack the protections available to traditional employees. Similarly,

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<sup>19</sup> K Sriya Manasa, *The Impact of AI and Technology on Indian Labour Laws*, 8 IJNRD, 806 (2023).

<sup>20</sup> K Sriya Manasa, *The Impact of AI and Technology on Indian Labour Laws*, 8 IJNRD, 806 (2023).

<sup>21</sup> K Sriya Manasa, *The Impact of AI and Technology on Indian Labour Laws*, 8 IJNRD, 806 (2023).

contract employment has increased, particularly in fields like IT and consulting, where project-specific expertise is in demand. This trend reflects a broader transition towards temporary and task-based employment, replacing conventional long-term, full-time jobs<sup>22</sup>.

**AI Violating the Right to Work of Human Beings:** The right to work and protection against unemployment are recognized under Art. 23 of the UDHR, Art. 6 of the ICESCR, and Article 1(2) of the ILO. While the rapid development of AI has enhanced efficiency in businesses and everyday life, it has simultaneously contributed to rising unemployment by replacing human labour with automated systems<sup>23</sup>.

**AI Violating Freedom of Speech and Expression:** Pegasus is a spyware capable of infiltrating iOS and Android devices to access personal communications, record calls, and secretly activate device microphones. In November 2021, the Indian government faced allegations of deploying such spyware against opposition leaders, journalists, activists, and other individuals. This climate of surveillance heightens public fear and discourages citizens from freely exercising fundamental rights, particularly freedom of speech and expression. Additionally, AI-driven digital bots have emerged as tools to intimidate and silence dissenting or marginalized voices online, with impersonating accounts and automated responses undermining genuine discourse and violating the right to free expression<sup>24</sup>.

### **Constitutional and Legal Challenges in the Age of Automation:**

**The challenges facing the human right to work:** In the age of automation, fundamental human rights particularly the right to work are confronted with serious challenges. Although various legal frameworks currently exist to protect this right, they may become inadequate in the face of rapid technological and artificial intelligence developments. Automation introduces new complexities for lawmakers in ensuring effective protection of workers' rights. Legal regulations must therefore

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<sup>22</sup> Adv. Anuprita Kulkarni, Robotics and Employment Law: Assessing The Impact of Workplace Automation on Labor Laws and Employment Rights, 2 IJLRA, 26 (2002).

<sup>23</sup> Adv Goutham Krishnan and Adv Rebecca Sara, THE IMPACT OF AI ON HUMAN RIGHTS (September 11, 2024), <https://www.lawctopus.com/academike/the-impact-of-ai-on-human-rights/>

<sup>24</sup> Adv Goutham Krishnan and Adv Rebecca Sara, THE IMPACT OF AI ON HUMAN RIGHTS (September 11, 2024), <https://www.lawctopus.com/academike/the-impact-of-ai-on-human-rights/>

evolve to address changing work conditions and to shield employees from risks such as job displacement, employment insecurity, and inequalities caused by unequal access to technology. This raises critical questions about whether, and to what extent, the right to work can protect workers who are displaced by automation<sup>25</sup>.

**Automation's influence on human work and threats to jobs:** Technological advancement is not a recent development, but its pace and sophistication have accelerated significantly in recent years, particularly through the growing influence of artificial intelligence on the workplace. AI affects labor demand by automating tasks, supporting human workers, and generating new forms of work. Although automation offers clear benefits, it also presents substantial challenges<sup>26</sup>.

**Labour Law challenges in the age of AI and automation:** At present, the adoption of AI and automation in Indian workplaces presents multifaceted challenges that the existing labour law framework struggles to address adequately. These challenges primarily concern job security, worker classification, ethical issues, and changing employment relationships. Job displacement and skill mismatches have emerged as major concerns, with research showing that low- and middle-skilled jobs are especially at risk of decline<sup>27</sup>.

**Flourishing Careers in the Age of AI and Automation:** Despite ongoing employment challenges, AI and automation have generated new opportunities in India's labour market by boosting productivity, creating new jobs, expanding possibilities, and strengthening labour law enforcement and skill development<sup>28</sup>.

**New Challenges for Labour Rights:** There is increasing concern about job losses caused by algorithm-driven recruitment systems. The expanding use of automation in employment transitions especially in clerical, logistics, and manufacturing sectors has heightened workers'

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<sup>25</sup> Viktoria Hopek, Human Right to Work in the Age of Automation, 5 *Transborder Economics*, 13 (2023).

<sup>26</sup> Viktoria Hopek, Human Right to Work in the Age of Automation, 5 *Transborder Economics*, 11 (2023).

<sup>27</sup> Mr. Ravikesh Kumar Maurya, Ms. Pratibha Tiwari, Brij Bansh Nath Anchal, Future Challenges and Opportunities in Labour Law in INDIA: The Era of AI and Automation, 7 *IJLLR*, 7896 (2025).

<sup>28</sup> Mr. Ravikesh Kumar Maurya, Ms. Pratibha Tiwari, Brij Bansh Nath Anchal, Future Challenges and Opportunities in Labour Law in INDIA: The Era of AI and Automation, 7 *IJLLR*, 7898 (2025).

fears of redundancy. The rapid pace of technological advancement is increasing the global risk of job automation, yet current labour laws mainly address traditional worker protections and do not account for widespread job losses caused by algorithms. Another major concern is algorithmic bias, particularly in AI recruitment tools, which can silently perpetuate gender or community discrimination. Passive bias is especially troubling because it is harder to detect, as seen in the Amazon case where hiring software favored male candidates. This highlights the urgent need to regulate algorithms to prevent systematic discrimination. Worker surveillance is also a growing issue, with automated systems tracking not only hours but personal data and even mood, sometimes penalizing workers for reasonable decisions. Legal frameworks must therefore address the limits of technological monitoring in the workplace<sup>29</sup>.

The judiciary has played a pivotal role in interpreting the Constitution as a living instrument capable of responding to evolving socio-economic realities. Through progressive judicial interpretation, courts have expanded the scope of the right to life to include the right to livelihood, thereby recognising employment as integral to human dignity and survival. This judicial approach has been particularly significant in contexts where economic policies, technological advancement, and structural transformations threaten to displace workers and disrupt traditional forms of employment. Rather than viewing job loss solely as an economic consequence, courts have examined such displacement through the lens of constitutional morality, fairness, and social justice. By balancing developmental objectives with the protection of vulnerable workers, judicial pronouncements have laid down guiding principles that remain crucial in addressing the constitutional challenges posed by automation and technology-driven employment transitions.

In **Kerala Swathanthra Malaya Case**<sup>30</sup>, the Supreme Court examined the tension between mechanised fishing practices and the survival of traditional fishing communities. The Court upheld regulatory measures imposed by the State, recognising that unrestricted technological advancement could severely undermine the livelihoods of economically weaker sections. The

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<sup>29</sup> Dr Showkat Ahmad Wani, Labour Law in the Age of AI and Automation: Issues and Challenges in Algorithm (October 8, 2025 3:49 pm) <https://www.outlookbusiness.com/columns/labour-law-in-the-age-of-ai-and-automation-issues-and-challenges-in-algorithm>

<sup>30</sup> Kerala Swathanthra Malaya Thozhilali Federation v. Kerala Trawlnet Boat Operators' Association AIR 1994 SC 114.

judgment reaffirmed the State's constitutional responsibility to ensure that economic development does not come at the expense of social justice and livelihood security. This decision offers valuable guidance in the contemporary context, where automation threatens to displace large segments of the workforce.

The scope and limitations of livelihood protection were further clarified in **J.K. Synthetics case**<sup>31</sup>, the Supreme Court held that although employment is closely linked with the right to livelihood, the Constitution does not guarantee permanent or uninterrupted employment. The Court emphasised that remedies such as reinstatement and back wages are not automatic and must be determined based on the circumstances of each case. In the context of automation-induced restructuring and workforce reduction, this ruling highlights the judiciary's attempt to maintain a balance between the operational autonomy of employers and the need to protect workers through procedural fairness.

Further, The challenges faced by workers engaged in non-standard and contractual forms of employment, which are increasingly prevalent in technologically driven industries, were addressed in **Dena Nath case**<sup>32</sup>, The Supreme Court ruled that violations of statutory requirements under the Contract Labour (Regulation and Abolition) Act, 1970 do not automatically entitle contract labourers to absorption as regular employees. The Court underscored that livelihood protection must function within the limits of statutory frameworks. This judgment exposes the structural vulnerability of contract workers, a concern that has become more pronounced in the age of automation and platform-based employment.

In **Attikaribettu case**, where the Karnataka High Court explicitly recognised employment as an integral aspect of the right to life. The Court held that termination of service without adherence to principles of natural justice and due process constitutes a violation of Article 21. This ruling is particularly significant in the context of automated and algorithm-driven employment decisions, where human oversight and procedural safeguards are often diminished.

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<sup>31</sup> J.K. Synthetics Ltd. v. K.P. Agrawal AIR 2007 SC 1350.

<sup>32</sup> Dena Nath v. National Fertilizers Ltd. AIR 1992 SC 457.

In **Olga Tellis case**<sup>33</sup>, the Supreme Court of India decisively held that the right to livelihood is an inseparable component of the right to life guaranteed under Article 21 of the Constitution. The Court observed that deprivation of livelihood effectively amounts to deprivation of life itself, as no individual can survive without the means of sustenance. Although the State possesses the authority to regulate economic and urban development, such power must be exercised through a procedure that is just, fair, and reasonable. This judicial principle acquires heightened relevance in the contemporary age of automation, where technological advancement and artificial intelligence increasingly displace human labour. The Olga Tellis doctrine reinforces the constitutional mandate that job displacement—whether caused by state action or technology-driven economic restructuring—cannot occur arbitrarily and must be accompanied by safeguards that protect human dignity and livelihood security.

In **Workmen of Bangalore case**<sup>34</sup>, the Supreme Court adopted an expansive interpretation of the term “industry” under the Industrial Disputes Act, 1947, thereby significantly widening the scope of labour law protection. The Court held that any systematic activity organised through cooperation between employer and employee for the production or distribution of goods or services would fall within the ambit of an industry, irrespective of profit motive. Although the case primarily concerned statutory interpretation, its constitutional relevance lies in reinforcing the protection of workers’ livelihood against evolving economic structures. In the age of automation, where digital platforms, artificial intelligence, and technology-driven enterprises increasingly redefine the nature of work, this judgment remains highly relevant. By extending labour protections to a broad range of organisational activities, the decision ensures that technological transformation does not exclude workers from legal safeguards, thereby strengthening the constitutional commitment to livelihood security and social justice under Articles 14 and 21.

In **Fertilizer Corporation Kamgar Union v. Union of India AIR 1981 SC 344D**, the Supreme Court emphasised that workers are not merely economic tools but stakeholders whose livelihoods are directly affected by state-controlled industrial and economic decisions. The Court acknowledged that large-scale policy choices, including restructuring, closure, or disinvestment of

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<sup>33</sup> Olga Tellis v. Bombay Municipal Corporation AIR 1986 SC 180.

<sup>34</sup> Workmen of Bangalore Water Supply and Sewerage Board v. A. Rajappa AIR 1978 SC 548.

public enterprises, have serious implications for workers' right to livelihood. Although the Court ultimately refrained from interfering with executive economic policy, it recognised the constitutional significance of employment security and worker participation in decision-making processes. In the contemporary context of automation and artificial intelligence, this judgment assumes renewed importance, as technology-driven restructuring often leads to workforce reduction. The case reinforces the principle that while economic efficiency and technological advancement are legitimate objectives, they must be pursued with due regard to the constitutional mandate of social justice and the protection of workers' livelihoods under Article 21.

### **CONCLUSION:**

The accelerating pace of automation and technological innovation has transformed labour markets in unprecedented ways, raising serious constitutional concerns regarding the protection of livelihood and human dignity. Judicial interpretations of the right to life have consistently affirmed that employment is not merely an economic interest but a fundamental means of survival and social participation. While technological progress remains essential for economic growth and efficiency, constitutional principles demand that such advancement does not result in arbitrary or unjust displacement of workers. Courts have sought to strike a balance by recognising the legitimacy of economic and technological change while simultaneously emphasising procedural fairness, proportionality, and social justice in employment-related decisions. In this evolving landscape, the right to livelihood operates as a constitutional safeguard, requiring the State and employers to anticipate the human impact of automation and to adopt inclusive measures such as regulation, reskilling, and social security. Ultimately, a rights-oriented approach to technological development is essential to ensure that progress enhances human welfare rather than undermining the dignity and livelihood of the workforce.

### **Recommendations**

#### **Constitutional Recognition of Technological Displacement**

The right to livelihood should be expressly interpreted to include protection against arbitrary job displacement caused by automation and artificial intelligence, ensuring that technological advancement complies with constitutional principles of dignity, fairness, and proportionality.

### **Mandatory Impact Assessment Before Automation**

Governments and large employers should be required to conduct social and employment impact assessments prior to introducing automation or AI systems that may result in large-scale workforce reduction.

### **Strengthening Due Process in Employment Decisions**

Automated or algorithm-based termination, retrenchment, or performance evaluation must be subject to human oversight and procedural safeguards, including the right to notice, explanation, and hearing.

### **Reskilling and Redeployment Frameworks**

Public authorities and employers should adopt structured reskilling, upskilling, and redeployment programs to enable displaced workers to transition into new forms of employment created by technological change.

### **Extension of Labour Law Protection to New Forms of Work**

Labour and employment laws must be updated to cover platform workers, gig workers, and contract labour engaged in technology-driven enterprises, ensuring livelihood security in non-traditional employment models.

### **Social Security for Displaced Workers**

Comprehensive social security mechanisms, including unemployment insurance, minimum income support, and healthcare benefits, should be strengthened to protect workers affected by automation-induced job loss.

### **Participatory Decision-Making**

Workers and trade unions should be meaningfully consulted in decisions relating to technological restructuring, automation, and downsizing, recognising workers as stakeholders rather than expendable resources.

### **Ethical Regulation of Artificial Intelligence in Employment**

Clear regulatory guidelines should be formulated to govern the use of AI in recruitment, monitoring, and termination, ensuring transparency, accountability, and non-discrimination.

### **Judicial Sensitivity to Automation-Related Disputes**

Courts should continue to adopt a rights-based and context-sensitive approach while adjudicating disputes arising from automation, balancing economic efficiency with livelihood protection.

### **Policy Integration of Technology and Social Justice**

National and international policy frameworks should integrate technological innovation with constitutional and human rights commitments, ensuring that economic progress remains inclusive and sustainable.

