

# CONSTITUTIONAL LIMITS ON AUTOMATED DECISION-MAKING IN PUBLIC ADMINISTRATION

**Kratika Giri**

LLM(Dual/DoubleDegree)—CybercrimeLaw&DigitalForensics  
Tashkent State University of Law

[Kratikagiri2003@gmail.com](mailto:Kratikagiri2003@gmail.com)

**Abstract.** Governments now let automated systems handle big decisions, everything from who gets social benefits to how taxes are collected, who can immigrate, and who ends up facing criminal charges. That shift stirs some serious constitutional problems, especially around due process, separation of powers, and equal protection under the law. This article dives into the ways algorithmic governance is shaking up public law, which usually relies on holding people not machines accountable for their choices. It looks at the major international rules on this stuff, like the EU’s Artificial Intelligence Act, Article 22 of the GDPR, the OECD principles, and UNESCO’s guidelines on ethical AI. Then, it zooms in on India and Uzbekistan to see how their laws stack up. Both countries have constitutional frameworks that could support holding algorithms accountable, but so far, those promises haven’t turned into actual, enforceable laws. Pulled from lessons in places like Germany, Estonia, Canada, and New Zealand, the article lays out a straightforward reform plan. At its core: everyone deserves a right to explanation, governments should run impact assessments, real human beings must oversee decisions, and independent bodies have to keep watch. The main point is clear, if we're going to let algorithms govern, they have to be accountable to constitutional principles, not just make things easier for bureaucrats.

**Keywords:** algorithmic governance; automated decision-making; due process; artificial intelligence law; comparative constitutional law; India; Uzbekistan; procedural fairness.

## **I. INTRODUCTION**

These days, governments all over the world rely on algorithms to make big calls that used to be up to humans, things like deciding who gets welfare, which taxpayers get audited, who passes immigration checks, and even how risky someone seems at sentencing. Automated decision-making systems work so fast and at such a massive scale that old rules designed for human officials just can't keep up anymore. It's not just about swapping out paperwork for computers. What's happening is much bigger: we're actually changing how public power works, and, more importantly, how ordinary people can push back when a system makes a decision about them. When an algorithm spits out a decision behind closed doors, it's almost impossible for someone to get a real explanation, a fair hearing, or even proper notice. These aren't abstract worries. They're real. Someone can lose their benefits, end up on a government watchlist, or get a longer sentence in court; all because an algorithm flagged them, and nobody bothered to explain why. And if one person makes a mistake, it usually just messes up one case. If the mistake is in an algorithm, it echoes through thousands, even millions. We've seen it happen already: Australia's Robodebt scandal, the SyRI system the Netherlands had to scrap, the UK's exam-grading fiasco, and the fight in Arkansas over Medicaid algorithms. In all these cases, the errors just kept spreading while the law scrambled, often too late, to catch up. So, the core question is this: can our current constitutional rules that is things like due process, separation of powers, equal protection etc. actually put the brakes on runaway algorithmic decisions? And if not, what do we need to change? This article runs through how different regions are trying to tackle these problems. It looks at approaches in the EU, the OECD, and UNESCO, and then dives into India and Uzbekistan, two countries at different points on the digital journey but struggling with the same gap between what their constitutions promise and what actually gets enforced. The article is organized in six parts: introduction, materials and methods, results, discussion, conclusion, and ethical considerations.

## **II. MATERIALS AND METHODS**

### **A. Research Design**

This study uses a comparative doctrinal approach, digging into core legal materials like constitutions, statutes, and court decisions. It also brings in secondary sources like regulatory guidance and academic work to see how different public law doctrines handle algorithmic decision-making in various

countries. Since it's a legal analysis focused on theory and doctrine, there's no research involving people or gathering new data.

## **B. Sources and Case Selection**

Key sources include the EU Artificial Intelligence Act (2024), GDPR Article 22, the OECD Recommendation on Artificial Intelligence (2019), and the UNESCO Recommendation on the Ethics of Artificial Intelligence (2021). Important court decisions like *Mathews v. Eldridge*, *State v. Loomis*, the SyRI judgment, *Justice K.S. Puttaswamy v. Union of India*, and Germany's Census Judgment also shape the discussion. India and Uzbekistan stand out as case studies because they both have fairly recent constitutional privacy rules, are working on new AI governance policies, and show a clear gap between what their constitutions promise and what their laws actually deliver, a pretty common story among developing digital states. On the other hand, Germany, Estonia, Canada, and New Zealand were picked as reference points. Germany is known for the depth of its constitutional protections, Estonia for its forward-thinking digital systems, Canada for its approach to risk-based regulation, and New Zealand for championing voluntary transparency.

## **C. Analytical Framework**

We looked at each jurisdiction through five lenses: constitutional foundations, specific AI laws, rights to transparency and explanation, judicial review, and independent oversight. Then we compared all this against the EU regulatory standard shown in Table 1. That comparison shapes the findings you'll see next.

# **III. RESULTS**

## **A. Constitutional Pressure Points**

Automated decision-making (ADM) systems put real pressure on three core constitutional principles. First, there's due process. The *Mathews v. Eldridge* balancing test expects that you can challenge a decision's accuracy at a hearing. But with neural networks, there's no good way to ask, "Why did you decide this?" These models can't explain themselves, and most people have no idea how to spot mistakes anyway (Citron & Pasquale, 2014). Then there's the separation of powers. In Germany, for example, the *Wesentlichkeitstheorie* (essentiality doctrine) says only legislatures should answer big constitutional questions, not executive officials. Yet, ADM systems often slide into public use through simple

procurement deals, not through any real debate or vote by lawmakers. Finally, equal protection is at stake. Remember the 2016 ProPublica investigation? It found the COMPAS recidivism tool mislabeled Black defendants as “high risk” about twice as often as white defendants (Angwin et al., 2016). These so-called neutral algorithms pick up and repeat old biases in their training data, creating harm that our current intent-focused discrimination laws just don’t catch.

## **B. International Regulatory Landscape**

The EU AI Act of 2024 takes a tough stance on “high-risk” AI systems. Companies have to follow strict rules around data governance, human oversight, technical documentation, and public registration. If they slip up, they risk fines as high as €35 million or 7% of global revenue. But interestingly, people can’t sue directly under this law. GDPR’s Article 22 steps in to protect individuals by giving them the power to demand a human review of automated decisions, share their side of the story, and fight those decisions. The Article 29 Working Party clarified back in 2018 that this review needs to be genuine, not just a rubber stamp. Globally, the OECD and UNESCO laid down principles in 2019 and 2021, calling for transparency, strong human oversight, and the right to redress. These aren’t legal requirements, but they set the tone for responsible AI. Different countries have tried their own approaches. Germany’s courts and its updated Administrative Procedure Act shape how algorithms are used in government. Estonia built X-Road, a system focused on transparency. Canada introduced a Directive that evaluates automated decision systems based on risk. New Zealand took a voluntary route with its Algorithm Charter. Each one’s carving out its own path to keep automation accountable.

## **C. India and Uzbekistan Compared**

India’s constitutional base is pretty solid. In 2017, the Supreme Court made privacy a fundamental right in the Puttaswamy case, but only if the law backs it up, and it meets the tests of necessity and proportionality. Way back in 1978, the Maneka Gandhi case stressed that any law taking away someone’s liberty has to be fair and reasonable. Then in 1986, the Olga Tellis ruling carved out a right to livelihood, which matters a lot when you think about government welfare and how they use algorithms. But here’s the thing, the new Digital Personal Data Protection Act from 2023 skips over some big safeguards. It doesn’t have anything like Article 22 from the GDPR, which gives people a say over fully automated decisions. Back in 2018, a committee suggested a “right to explanation” when algorithms make decisions about you, but that idea didn’t make it into the final law. Meanwhile, the country’s Right to Information Act from 2005 makes it possible to get information about automated decisions, but

you have to ask for it yourself, and usually after the fact. Now, look at Uzbekistan. Their 2023 constitutional changes sound promising. Article 32 now says people have the right to appeal government decisions, even those made by computers. Article 55 promises access to information that affects people's rights. So far, though, nobody's put those rights into effect through actual laws. Uzbekistan's plan for artificial intelligence talks about transparency and fairness, too, but the World Bank has already flagged a big gap between what the government wants and what it can actually pull off. Plus, while there's been a presidential ban on fully automated decisions since 2019, not much has changed on the ground.

Table 1 summarizes both jurisdictions across five governance dimensions against the EU reference standard.

**Table 1. Comparative Assessment of India and Uzbekistan Against the EU Reference Standard**

| Dimension                       | India                                                                                                                                | Uzbekistan                                                                                                             | EU Reference Standard                                                  |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| <b>Constitutional Basis</b>     | Strong: Puttaswamy (2017) privacy/proportionality; Maneka Gandhi (1978) procedural fairness; Olga Tellis (1986) right to livelihood. | Partial: Articles 33 and 55 (post-2023) create appeal and information rights but lack substantive algorithmic content. | EU Charter Arts. 7, 8, 47; ECHR Arts. 6, 8, 13.                        |
| <b>Dedicated AI Legislation</b> | Absent — DPDPA 2023 has no Article 22 equivalent; no right to human review or case-specific explanation.                             | Absent — AI Strategy is non-binding; 2019 Decree unenforced; no statutory citizen rights.                              | EU AI Act 2024: mandatory obligations, prohibitions, fines up to €35m. |

|                                   |                                                                                        |                                                                                          |                                                                                      |
|-----------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <b>Transparency / Explanation</b> | RTI Act: delayed, applicant-initiated, partial access; no duty to proactively explain. | Art. 33 right to information unenforced in algorithmic context; no proactive disclosure. | GDPR Art. 22: explanation, human review, contest; AI Act: documentation and logging. |
|-----------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|

| Dimension                    | India                                                 | Uzbekistan                                                       | EU Reference Standard                                           |
|------------------------------|-------------------------------------------------------|------------------------------------------------------------------|-----------------------------------------------------------------|
| <b>Judicial Review</b>       | Active but constrained by cost and technical opacity. | Formally available; limited by deference and technical capacity. | Effective remedy required (ECHR Art. 13; EU Charter Art. 47).   |
| <b>Independent Oversight</b> | Absent — no cross-sectoral accountability body.       | Absent — Digital Economy Agency is coordinative, not regulatory. | National Competent Authorities required under the AI Act; EDPB. |

## IV. DISCUSSION

### A. Shared Structural Deficits

Four big problems pop up when you compare these cases. Governments usually roll out ADM systems before there are any real legal rules to support them. The folks who get hit hardest by algorithm mistakes, mainly low-income and marginalized people are often the least able to notice or fight back. On top of that, government staff rarely have the tech know-how needed to audit these tools, so they end up relying on private companies to build and run them. And with data zipping across borders, protections set up in one place don't always stick when systems move elsewhere. Eubanks (2018) and Crawford (2021) point out that you see these patterns in all sorts of settings from welfare offices to police departments. So this isn't just about one country screwing up; it's something baked into how algorithmic governance works.

### B. Toward a Principled Reform Agenda



Comparative practice really boils down to five core principles: First, legality; ADM needs clear statutory backing, not just administrative whim. Second, explainability; people deserve real, case-specific reasons for automated decisions, not just vague explanations about how the system works. Third, meaningful review; a qualified human has to be able to step in and overturn an automated outcome if needed. Fourth, independent audit; systems should be checked regularly for accuracy and bias, and not by the people who built them. Fifth, ex ante design; it's way better to build rights protections into the procurement and design process from the start, instead of scrambling to fix things after someone gets hurt. From there, eight key recommendations apply to both India and Uzbekistan and could fit either country. One, guarantee legal rights to notice, explanation, and human review. Two, require algorithmic impact assessments before deployment, kind of like what Canada is doing. Three, set up affordable and straightforward ways for people to challenge automated decisions. Four, help judges learn how to properly review ADM, including giving them access to independent tech experts. Five, disclose publicly what the system's for, where its data comes from, and how accurate it really is. Six, train judges, lawmakers, and civil servants so they know what they're dealing with. Seven, work with OECD and UNESCO frameworks so domestic reforms match up with international standards. Eight, roll out changes gradually start with administrative guidelines, move to enforceable laws, and eventually lock them into the constitution.

## V. CONCLUSION

Algorithmic governance isn't just about running things more efficiently. It changes how governments and citizens relate to each other, and not always for the better. Think about it: when an automated system decides who gets welfare, who's up for audit, or who's labeled a recidivism risk, and then refuses to give a clear explanation or a real way to appeal, it gets nearly impossible to keep public power in check. The core idea that government actions should be understandable and open to challenge starts to fall apart. Both India and Uzbekistan have solid constitutional principles; India with privacy and dignity, Uzbekistan with new rights to information and appeal. But so far, neither country has really built those principles into systems that actually protect people when it counts. It doesn't have to be this way. Countries like Germany, Estonia, Canada, and regions like the European Union show that you can design automation with real transparency, the chance for human review, and serious independent oversight right from the beginning. The big challenge now, for both India and Uzbekistan, and really, for public law around the world is to make sure that as decision-making goes digital,

accountability keeps up. Otherwise, constitutional protections won't just evolve; they'll quietly disappear.

## **VI. ETHICAL CONSIDERATIONS AND ORIGINALITY**

This article examines the law using both doctrinal and comparative methods, relying only on publicly available legal sources. There's no involvement of human subjects, no collection of personal data, and no experiments, so there's no need for an ethics committee review. The work is entirely original, hasn't been published before, and isn't being reviewed by any other journal.



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