Page: 01-47 *URL: www.lijdlr.com*

LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

ISSN: 2583-7753

LawFoyer International Journal of Doctrinal Legal Research

[ISSN: 2583-7753]

Volume 4 | Issue 4

2026

DOI: https://doi.org/10.70183/lijdlr.2026.v04.378

© 2026 LawFoyer International Journal of Doctrinal Legal Research

Follow this and additional research works at: www.lijdlr.com
Under the Platform of LawFoyer – www.lawfoyer.in

After careful consideration, the editorial board of LawFoyer International Journal of Doctrinal Legal Research has decided to publish this submission as part of the publication.

In case of any suggestions or complaints, kindly contact (info.lijdlr@gmail.com)
To submit your Manuscript for Publication in the LawFoyer International Journal of Doctrinal Legal Research, To submit your Manuscript Click here

REGULATING ARTIFICIAL INTELLIGENCE IN INDIAN COURTS: AN EVALUATION OF THE SUPREME COURT'S DRAFT REGULATIONS, 2026

Abdul Haleem[1]

I. ABSTRACT

The Supreme Court of India's preliminary draft Regulations for Use of Artificial Intelligence (AI) in Courts, 2026 represent an important attempt to establish a comprehensive framework for governing AI across the Indian judiciary. The draft follows the Court's November 2025 White Paper on Artificial Intelligence and Judiciary and its orders in Gummadi Usha Rani v. Sure Mallikarjuna Rao and Pooja Ramesh Singh v. Jammu and Kashmir Bank Ltd. concerning fabricated AI-generated precedents. This article evaluates the draft against the constitutional guarantee of fair procedure, recent judicial decisions, stakeholder submissions, comparative instruments from the European Union, the United States and other jurisdictions, and technical research on AI systems. The article acknowledges the draft's contribution in affirming human primacy in adjudication and introducing safeguards concerning approval, oversight, prohibited uses, data protection and accountability. It argues, however, that the effectiveness of judicial AI regulation depends less on formal declarations of human oversight than on how safeguards operate, who administers them and what follows when they fail. The distinction between administrative and adjudicatory uses inadequately accounts for the consequences of automated listing and filing processes; a blanket duty on advocates to disclose AI use targets the means of preparation, not whether the authorities cited are genuine; and the provision permitting verification to be waived sits uneasily with the Court's zero-tolerance position. The concentration of development, approval and audit within the judicial hierarchy, the uncertain legal basis of the framework and uneven institutional capacity raise further concerns. The article therefore proposes functional risk classification, proposition-level verification of legal authorities, independent evaluation, stronger safeguards for judicial data and phased implementation, and concludes that effective

[1] Research Scholar at Department of Law, Aligarh Muslim University, Aligarh (India). Email: ge6582@myamu.ac.in

© 2026. LawFoyer International Journal of Doctrinal Legal Research (ISSN: 2583-7753)

judicial AI governance requires enforceable and proportionate safeguards, meaningful human oversight and clear institutional responsibility for preventing and remedying errors.

II. KEYWORDS

Artificial Intelligence in Courts; Supreme Court AI Regulations 2026; Algorithmic Accountability and Human Oversight; AI-Assisted Judicial Administration; Legal Citation Verification.

III. INTRODUCTION

On June 3, 2026 the Supreme Court of India published a preliminary draft of the Regulations for Use of Artificial Intelligence (AI) in Courts, 2026 and invited public comment.[2] The draft has fifty-seven regulations in ten chapters. They would apply to the Supreme Court, the High Courts and every court, tribunal and statutory commission that performs adjudicatory functions.[3] The Court extended the period for comments from June 20 to July 15 by a notice dated June 16.[4] This article located no final or notified instrument as of October 10, 2026, so it treats the draft's provisions as proposals. The two annexures prescribing the declaration formats under regulation 43(3) were not published with the draft.[5]

The problem of AI-generated, non-existent judicial precedents has already come before the Supreme Court. In an order dated February 27, 2026, in *Gummadi Usha Rani v. Sure Mallikarjuna Rao*, a Bench of Narasimha and Aradhe JJ. took cognizance of a trial court's reliance on AI-generated, non-existent judgments and declared that a decision based on them "is not an error in the decision making" and "has a direct bearing on

[2] Supreme Court of India, Notice dated June 3, 2026 (*Seeking views/suggestions of all stakeholders and the general public on draft 'Regulations for Use of Artificial Intelligence (AI) in Courts, 2026'*) and the draft Regulations for Use of Artificial Intelligence (AI) in Courts, 2026, Notice, paras 1–2, *available at:* https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2026/06/2026060342.pdf (last visited on Oct. 04, 2026) [hereinafter Draft Regulations].
[3] Draft Regulations, *supra* note 2, regs. 1–2 and table of contents (chs. I–X, regs. 1–57).
[4] Supreme Court of India, Notice dated June 16, 2026 (*Extension of time for submission of views/comments on draft 'Regulations for Use of Artificial Intelligence (AI) in Courts, 2026'*), para 1, *available at:* https://allahabadhighcourt.in/Final_draft_with_Notice_v2.pdf (last visited on Oct. 08, 2026) [hereinafter Extension Notice].
[5] Draft Regulations, *supra* note 2, reg. 43(3).

integrity of adjudicatory process" and that "it would be a misconduct and legal consequence shall follow." At a further hearing on May 5, 2026, the Bench asked the Bar Council of India to constitute a committee of experts to examine the use of AI in court proceedings.[6]

On July 2, 2026, the same Bench decided *Pooja Ramesh Singh v. Jammu and Kashmir Bank Ltd.*, setting aside the orders of the National Company Law Tribunal and its appellate tribunal. The Court held that a decision resting on fake or hallucinated authority is "no decision in the eyes of the law," whether or not the material bore directly or indirectly on the outcome, and restored the insolvency application to the Tribunal for a fresh decision. The Court called for a "zero-tolerance mode" towards unverified AI-generated precedents on the part of courts and advocates alike, and directed the Bar Council of India to constitute a committee to prescribe guiding principles for advocates who place such material before courts and the disciplinary action that will follow a violation.

It acknowledged that judicial orders cannot resolve the problem alone, which requires public policy and enforceable rules, and recorded that the regulations were being deliberated and would be notified after due process. It also clarified that its judgment has no bearing on the rightful use of AI. On September 2, 2026, in *Vijay Ghanshyam Gadiya v. Union of India*, a Bench of Datta and Nagu JJ. applied *Pooja Ramesh Singh* to a quasi-judicial authority. It set aside a customs penalty of about ₹425 crore that rested on non-existent citations and on genuine judgments cited for propositions they did not support, and remitted the matter for fresh adjudication by a different officer of the same rank. Noting the draft Regulations, the Court observed that AI may assist adjudication but can never substitute for it.[7]

---

[6] *Gummadi Usha Rani v. Sure Mallikarjuna Rao*, SLP (C) No. 7575 of 2026, order dated Feb. 27, 2026 (SC) (Narasimha and Aradhe JJ.), *available at:* https://www.verdictum.in/pdf_upload/gummadi-usha-rani-anr--1772891.pdf (last visited on Aug. 11, 2026) [hereinafter *Gummadi Usha* Rani]; "Use of AI-Generated Fake Judgments: Supreme Court Urges BCI to Form Expert Panel to Examine Issue" LiveLaw (May 5, 2026), *available at:* https://www.livelaw.in/top-stories/use-of-ai-generated-fake-judgments-supreme-court-urges-bci-to-form-expert-panel-to-examine-issue-533023 (last visited on Nov. 02, 2026).

[7] *Pooja Ramesh Singh v. Jammu and Kashmir Bank Ltd.*, Civil Appeal No. 11950 of 2025, 2026 INSC 668, paras 1, 5, 7, 9, 15–18 (SC, decided on July 2, 2026) (Narasimha and Aradhe JJ.), *available at:* https://indiankanoon.org/doc/113338666/ (last visited on Sept. 23, 2026) [hereinafter *Pooja Ramesh*

The draft's starting point is sound. Authority over law, fact and justice stays with the judge, AI output is advisory, and no outcome may rest on algorithmic decision-making alone.[8] This article does not dispute that 'human primacy' principle. It asks how well the machinery built around it will work in Indian courts: who has power to impose the code, how its duties are verified, who audits the tools, and whether district courts can operate it.

It tests these questions against Articles 14 and 21 of the Constitution, the Court's recent decisions, the submissions received on the draft, comparative instruments and the technical literature on legal language models. It argues that the safeguards are uneven. Some are well designed, such as the absolute prohibitions and the vendor contract terms. Others depend on labels and formalities, as in the treatment of "administrative" tools and the duty on advocates to disclose AI use. The institutional design also leaves assurance with the same bodies that build and approve the tools, which raises independence concerns for audit.

A. Research Objectives

This article has four objectives:

1. To assess the legal basis of the draft Regulations and the reach of their obligations over courts, tribunals, advocates and vendors;
2. To evaluate whether the draft's safeguards, including its classification of uses, its disclosure and verification duties and its remedies, satisfy the constitutional requirement of fair, just and reasonable procedure;
3. To examine whether the institutional design secures independent evaluation and audit of court AI tools; and

Singh]; *Vijay Ghanshyam Gadiya v. Union of India*, Civil Appeal arising out of SLP (C) No. 15605 of 2026, 2026 INSC 947, paras 4–8 (SC, decided on Sept. 2, 2026) (Datta and Nagu JJ.), *available at:* https://www.livelaw.in/pdf_upload/2026/09/02/vijay-ghanshyam-gadiya-v-union-of-india-and-another-697691.pdf (last visited on Nov. 02, 2026) [hereinafter *Gadiya*].

[8] Draft Regulations, *supra* note 2, regs. 4(1)–(3), 8(3), 20(1)(b)–(d).

4. To assess the operational feasibility of the draft across courts of unequal capacity, particularly the district judiciary, and to propose targeted amendments.

B. Research Questions

The article addresses five questions:

1. Under what legal authority the draft may be made, and whom it can bind;
2. Whether the draft's labels, such as "administrative", correspond to the actual risk that a tool poses to litigants;
3. Whether disclosure of AI use, or verification of the propositions for which authorities are cited, better protects the integrity of filings;
4. Who develops, approves and audits court AI tools, and whether that assurance is independent; and
5. What remedy follows when an AI tool fails, and whether courts of differing capacity can meet the obligations the draft imposes.

C. Research Methodology

The study is doctrinal and analytical. It examines the text of the draft Regulations and the Supreme Court's consultation notices, together with the Court's decisions in *Gummadi Usha Rani*, *Pooja Ramesh Singh* and *Gadiya*, read with the relevant provisions of the Constitution and statutes. It undertakes a comparative review of instruments from the European Union, the United States, England and Wales, Australia, Singapore, Canada and Brazil, with attention to the authority under which each was made.

It also draws on stakeholder submissions on the draft, official reports, parliamentary replies and the technical literature on legal language models. The analysis is current to October 10, 2026. Annexures I and II to the draft, which prescribe the declaration formats under regulation 43(3), were not published and could not be assessed, and submissions that were not published are relied on only as reported in the press.

© 2026. LawFoyer International Journal of Doctrinal Legal Research (ISSN: 2583-7753)

IV. THE OUTLINE OF THE DRAFT AND THE PROPOSED CONSULTATION

The notice names five principles: human primacy, transparency, accountability, data protection and judicial independence. Chapter III divides AI uses into three groups. Regulation 19(1) lists permissible uses, described as illustrative and not exhaustive, that need prior written approval and the supervision of nominated officers; regulation 19(2) requires reasoned approval for any other use; and regulation 20(1) prohibits a defined set of uses in terms the draft declares absolute and non-derogable.

Chapter IV creates an Apex Body of Supreme Court and High Court judges, a Ministry of Electronics and Information Technology (MeitY) officer and experts, five committees under it, a Centre of Research and Excellence on AI (CoRE-AI), an AI Committee in the Supreme Court and each High Court, and an AI Secretariat headed by a district judge. Chapter V requires impact assessments, optional controlled-environment testing, an AI Register, annual audits, an incident database and a fall-back protocol, and regulation 43 sets out disclosure duties for courts and litigants. Chapter X lets the Chief Justice relax any provision except the prohibitions in regulation 20.[9]

The draft builds on the Court's November 2025 White Paper on Artificial Intelligence and Judiciary, which lists tools already in use (SUPACE, SUVAS, TERES and LegRAA) and recommends ethics committees, secure in-house tools, disclosure and audit trails, mandatory verification and the personal responsibility of officers.[10] The draft turns those recommendations into binding duties, which is both its ambition and the source of the questions taken up below.

Several features deserve credit because they go beyond statements of principle. Some of them protect the litigant. For example, the prohibitions deal with risk scoring, undisclosed or opaque systems that may affect rights or liberty, and surveillance. The

[9] Draft Regulations, *supra* note 2, Notice, para 1 and regs. 19, 20, 22–45 and 56.
[10] Supreme Court of India, Centre for Research and Planning, *White Paper on Artificial Intelligence and Judiciary* (Nov. 2025), *available at:* https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2025/11/2025112244.pdf (last visited on Aug. 28, 2026) [hereinafter White Paper].

draft also requires the court to inform parties when an AI tool materially assists in case management, document analysis or judicial administration in a way that may affect their proceedings. It also requires vendor contracts to contain mandatory terms on data ownership, audit rights and incident reporting, and a bar on retraining on court data without approval. Further, every High Court must keep a fall-back protocol for tool failure, systems already in use must be reviewed within a year, and training duties extend to district courts and must account for linguistic diversity.[11]

The draft is less complete where its own operative terms are concerned. For example, Regulations 7(3), 12(2) and 46(4)(h) refer to high-risk applications and tools but the draft defines no risk tiers, and the Jawaharlal Nehru University study group lists the omission among several undefined operative terms. The study group also notes that the draft has no statement of objects and reasons.[12]

Over its six-week window, the public consultation generated an extensive record of stakeholder feedback. The Internet Freedom Foundation (IFF) observed that the original window of seventeen days fell short of the thirty-day floor in the Pre-Legislative Consultation Policy, 2014 and that the extension restored substantial compliance.[13] Submissions came from the IFF, the JNU study group, SFLC.in and PUCAR, from the Supreme Court Advocates-on-Record Association (SCAORA) and the All India Muslim Personal Law Board as reported in the press, and from law-firm and press commentators. They converge more than the headlines suggest. The question of competence, the presumption in favour of adoption, in-house audit, the "administrative" label and the thin remedies each drew criticism from groups with

[11] Draft Regulations, *supra* note 2, regs. 41, 42, 43(1)–(2), 46(4) and 49(2).
[12] Draft Regulations, *supra* note 2, regs. 7(3), 12(2) and 46(4)(h); Study Group on Regulations for Use of AI in Courts, Centre for the Study of Law and Governance, Jawaharlal Nehru University, *Comments and Suggestions on the Draft Regulations for Use of Artificial Intelligence (AI) in Courts, 2026*, Part I, *available at:* https://www.jnu.ac.in/sites/default/files/cslg/Report_AI_Committee.pdf (last visited on Sep. 01, 2026) [hereinafter JNU Submission].
[13] Internet Freedom Foundation, "IFF's Comments on the Draft Regulations on the Use of AI in Courts, 2026" (July 15, 2026), *available at:* https://internetfreedom.in/iffs-comments-on-the-draft-regulations-on-the-use-of-ai-in-courts-2026/ (last visited on Sept. 19, 2026) [hereinafter IFF Comments]; Extension Notice, *supra* note 4, para 1.

© 2026. LawFoyer International Journal of Doctrinal Legal Research (ISSN: 2583-7753)

little else in common, and the IFF also urged that regulations 19 and 20 be retained without dilution.[14]

They diverge on remedy: SCAORA would replace disclosure with a certificate of verification, while the JNU group would have the court disclose its own AI use.[15] The record contains little from district judges, registry staff or unrepresented litigants. Some commentary also describes provisions the text does not contain. One article reads regulation 12 as classifying administrative tools as low-risk, research tools as medium-risk and bail or sentencing tools as high-risk, when regulation 12 states a proportionality principle without tiers, and another summarises regulation 7 as requiring disclosure of a system's margin of error, which regulation 7 does not say.[16]

V. LEGAL BASIS AND INSTITUTIONAL REACH

The draft does not say under what power it is made, and the question has been raised by the IFF, the JNU study group, SCAORA as reported, and press commentators.[17] Regulation 1(2) leaves commencement to each Chief Justice for a High Court and the courts, tribunals and commissions within its jurisdiction, so the draft does not purport to take effect in a High Court by its own force. Regulation 54(2) and (3) also subordinate the regulations to the Constitution, statutes and rules of court. The difficulty lies in provisions that assume a hierarchy: the Apex Body's power to set "minimum mandatory standards … for compliance by all Courts", the duty of each

[14] IFF Comments, *supra* note 13 (also urging that regs. 19 and 20 be retained); JNU Submission, *supra* note 12; Software Freedom Law Center, India, "SFLC.in's Comments on the draft 'Regulations for Use of Artificial Intelligence (AI) in Courts, 2026'" (July 15, 2026), *available at:* https://sflc.in/sflc-ins-comments-on-the-draft-regulations-for-use-of-artificial-intelligence-ai-in-courts-2026/ (last visited on Sept. 18, 2026)

[15] Khan, *supra* note 14; "SCAORA Seeks Removal of Mandatory AI Disclosure Requirement for Lawyers in Supreme Court Draft Regulations" *Bar & Bench* (July 2026), *available at:* https://www.barandbench.com/news/scaora-seeks-removal-of-mandatory-ai-disclosure-requirement-for-lawyers-in-supreme-court-draft-regulations (last visited on Oct. 01, 2026.

[16] M.G. Kodandaram, "Implications of the DPDP Act, 2023 and Rules, 2025 on the Draft 'Regulations for Use of Artificial Intelligence in Courts, 2026'" *Naavi.org* (June 14, 2026), pt. 7, *available at:* https://www.naavi.org/wp/implications-of-the-dpdp-act-2023-and-rules-2025-on-the-draft-regulations-for-use-of-artificial-intelligence-in-courts-2026-mr-m-g-kodandaram/ (last visited on Aug. 11, 2026) [hereinafter Kodandaram];

[17] IFF Comments, *supra* note 13; JNU Submission, *supra* note 12, Part I; Khan, *supra* note 14 (reporting SCAORA's submission); Nipun Dave, "Is the Supreme Court Overstepping on Its Draft AI Regulations, 2026?" *LiveLaw* (June 14, 2026), *available at:* https://www.livelaw.in/articles/draft-ai-rules-apply-high-courts-537713 (last visited on Sep. 10, 2026).

High Court committee to act in accordance with them, the requirement that each High Court fix the terms of its AI Secretariat in consultation with the Apex Body, and the deeming of the Supreme Court's committee as the committee for national tribunals.[18]

Article 145(1) allows the Court, with the President's approval, to make rules regulating the practice and procedure of the Court. Article 142(1) supports orders needed to do complete justice in a cause or matter pending before it, and orders in a pending case, such as the interim directions in *Gummadi Usha Rani*, rest on the Court's jurisdiction over that case, not on a power to issue a code outside any cause.[19] In *P. Ramachandra Rao v. State of Karnataka* a seven-judge Bench held that directions fixing outer time limits for criminal trials were legislation that courts may not make by directive.[20] A defender of the draft can reply that regulating court software is administrative governance and that *Vishaka v. State of Rajasthan* shows the Court filling a legislative gap with binding guidelines.[21] But *Vishaka* enforced rights in a pending petition. High Courts derive their own authority from Articles 225, 227 and 235, which give them superintendence over the courts and tribunals in their territory and control over the district judiciary, and the Kerala and Gujarat policies show High Courts acting in this field under those powers.[22]

Provisions seeking to impose obligations on actors outside the court's internal administration require distinct legal foundations. Advocates, for instance, are governed by the Advocates Act, 1961: High Courts may make rules on the conditions of practice before them and the courts below, discipline lies with the State Bar Councils and the Bar Council of India, and the Bar Council frames standards of professional conduct.[23] The Supreme Court held on July 7, 2026 that matters of professional

[18] Draft Regulations, *supra* note 2, regs. 1(2), 24(1)(a), 33(1), 33(3)(c), 33(4), 34(3) and 54(2)–(3).
[19] The Constitution of India, arts. 142(1) and 145(1); *Gummadi Usha Rani*, *supra* note 6.
[20] *P. Ramachandra Rao v. State of Karnataka*, (2002) 4 SCC 578 (seven-judge Bench).
[21] *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.
[22] The Constitution of India, arts. 225, 227 and 235; JNU Submission, *supra* note 12, Part I (citing the Kerala High Court's Policy Regarding Use of Artificial Intelligence Tools in District Judiciary, Official Memorandum dated July 19, 2025); High Court of Gujarat, *Policy on the Use of Artificial Intelligence in Judicial and Court Administration*, *available at:* https://gujarathighcourt.nic.in/hccms/sites/default/files/miscnotifications/Policy%20on%20the%20use%20of%20Artificial%20Intelligence%20in%20the%20Judicial%20and%20Court%20Administration.pdf (last visited on Sep. 18, 2026) [hereinafter Gujarat Policy].
[23] The Advocates Act, 1961 (Act 25 of 1961), ss. 34(1), 35–38 and 49(1)(c).

conduct and misconduct of advocates fall within the exclusive jurisdiction of those bodies, and in *Pooja Ramesh Singh* it directed the Bar Council of India to constitute a committee to prescribe guiding principles against the citation of fabricated material and the disciplinary action that will follow a violation.[24] However, as far as practice before the Supreme Court is concerned, Article 145(1)(a) expressly authorises rules "as to the persons practising before the Court", and Order IV of the Supreme Court Rules, 2013 already governs Advocates-on-Record. This is admittedly a firmer textual footing for advocate-facing duties in proceedings before the Supreme Court. As for vendors, they are bound by contract, and regulation 46(9), which requires the Court to retain ownership of, or a perpetual royalty-free licence to, tools developed with court data and bars exclusive intellectual property claims over them, regulates property rights more than a contract term ordinarily does, and one commentator describes it as the draft's clearest overreach.[25] Tribunals work under their own statutes, with High Court superintendence under Article 227, yet regulation 33(4) assigns them to the AI committees of the Supreme Court or High Court by deeming provision.[26]

The Supreme Court's text can serve as a template of expected regulatory standards. Each High Court can adopt it under its own powers, with an adoption instrument stating which duties bind judges, registries, advocates, vendors and litigants, as the eCommittee's model rules for live-streaming and the Kerala policy did in other settings.[27] Duties that no court instrument can reach, such as those of an advocate in a subordinate court who is not before the Supreme Court, belong in Bar Council rules or High Court rules under section 34(1) of the Advocates Act, 1961, and the draft should say so. Whether the Court could instead justify a binding code on some other footing is a question this article leaves open.

---

[24] *Ajay Vijh v. Indian Banks Association*, 2026 INSC 670, decided on July 7, 2026 (SC) (Narasimha and Aradhe JJ.), *available at:* https://api.sci.gov.in/supremecourt/2024/10787/10787_2024_13_1501_71953_Judgement_07-Jul-2026.pdf (last visited on Oct. 05, 2026); *Pooja Ramesh Singh*, *supra* note 7, para 9.

[25] Draft Regulations, *supra* note 2, reg. 46(9); Dave, *supra* note 17.

[26] Draft Regulations, *supra* note 2, reg. 33(4); The Constitution of India, art. 227(1).

[27] JNU Submission, *supra* note 12, Part I (citing the eCommittee's Model Rules for Live-Streaming and Recording of Court Proceedings and the Kerala policy); Draft Regulations, *supra* note 2, reg. 1(2); The Advocates Act, 1961 (Act 25 of 1961), s. 34(1).

VI. CONSTITUTIONAL DUE PROCESS AND OPERATIONAL SAFEGUARDS

Institutional rules governing judicial technology are bound by the constitutional guarantee of fair, just, and reasonable procedure. Article 14 forbids arbitrariness and Article 21 requires procedure that is fair, just and reasonable.[28] Case listing, defect scrutiny and the rejection of a filing decide whether and when a person is heard, and access to justice is part of Article 21.[29] Where personal data is processed, privacy adds the requirements of legality, legitimate aim and proportionality.[30] The draft's presumptions, waivers and sanctions should be read against those standards.

The first concern is the presumption in favour of adoption. Regulation 16(1) provides that, unless proved otherwise, the presumption in every court is in favour of responsible adoption of AI, regulation 16(2) requires reasons in writing for any refusal or restriction, and regulation 17(2) prefers active adoption to restraint when other things are equal.[31] The IFF argues that this inverts the proportionality burden, and the JNU group makes a similar point.[32] A closer reading of the text shows that this burden-shifting is not absolute across the draft. Regulations 5 and 12 require proportionality, the proviso to regulation 16(1) bars replacement of human decision-making and dispute-outcome prediction, and regulations 19 and 35 demand prior approval and an impact assessment.[33]

The structural danger lies in how these provisions interact in daily court management: requiring written reasons for a refusal, but none for an approval, subtly tilts operational discretion toward adoption. To resolve this operational asymmetry and preserve precautionary oversight, Regulations 16 and 17 should be read as subordinate to the substantive checks in Regulations 12, 19, and 35. Aligning the framework with constitutional due process requires placing the affirmative burden on

[28] The Constitution of India, arts. 14 and 21; *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3, para 85; *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.
[29] *Anita Kushwaha v. Pushap Sudan*, (2016) 8 SCC 509 (Constitution Bench).
[30] *K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.
[31] Draft Regulations, *supra* note 2, regs. 16(1)–(2) and 17(2).
[32] IFF Comments, *supra* note 13 (regs. 16–17); JNU Submission, *supra* note 12, Part I.
[33] Draft Regulations, *supra* note 2, regs. 5(1), 12, 16(1) (proviso), 19 and 35(1).

the proposer of a tool to establish its lawful purpose, measurable utility, and proportionate data usage before any presumption in favour of adoption can be made.

The second concern is accountability. The draft distributes risk asymmetrically, especially under Regulations 8(1) and 43(6). Regulation 8(1) bars an officer from invoking "the outputs of an AI System, the opaqueness of a Black Box system, or the occurrence of hallucination, as a ground for avoiding accountability for a palpably incorrect, illegal, or harmful decision."[34] While framed around human primacy, this rule creates a strict human liability model: by stripping end-users of any defence grounded in black-box opacity or system malfunction, the draft places the entire risk of software failure on individual court officers, while vendor developers and approving bodies bear no statutory liability under the text. A corresponding failure of due process marks Regulation 43(6) on the litigant side.

A person whose filing is "fabricated, false, misleading, or inaccurate by reason of its AI-generated character" bears full responsibility, and the court may pass such orders as it deems fit.[35] The text lacks clear statutory guarantees—specifically show-cause notice, an evidentiary hearing, and a clear gradation between innocent hallucination and intentional fabrication. This open-ended discretion invites arbitrary enforcement. Comparative practice acutely highlights this procedural flaw. For example, Florida's amended Rule 2.515 on AI filings, by contrast, permits sanctions only after formal notice and a fair opportunity to respond.[36]

The third concern is the waiver of verification. While Regulation 8(3) treats AI output as advisory and mandates reasonable care in verification, its first proviso allows a responsible officer to dispense with verification entirely upon recording written reasons, and its second proviso deems verification satisfied on a class basis for

[34] Draft Regulations, *supra* note 2, reg. 8(1).
[35] Draft Regulations, *supra* note 2, reg. 43(6).
[36] *In re Amendments to Florida Rule of General Practice and Judicial Administration 2.515*, No. SC2026-0673 (Fla. May 28, 2026) (effective June 15, 2026), r. 2.515(d)(2), *available at:* https://www.15thcircuit.com/sites/default/files/divisions/circuit-civil/ag/SCT-AI.pdf (last visited on Aug. 19, 2026) [hereinafter Fla. Rule 2.515 Amendment]; *In re Representations by Signers of Filings*, Administrative Order No. AOSC26-12 (Fla. May 28, 2026) (effective June 15, 2026), *available at:* https://www.circuit5.org/wp-content/uploads/2026/06/aosc26-12.pdf (last visited on Oct. 03, 2026) [hereinafter AOSC26-12].

administrative tools.[37] The first proviso is difficult to reconcile with regulations 19(1)(b) to (d), which require active human review of transcription, translation and research output. More critically, it sits in direct tension with *Pooja Ramesh Singh*, where the Court adopted a zero-tolerance approach toward unverified fabricated authority, holding that reliance on hallucinated material invalidates a judicial decision. *Gadiya* extends that reasoning to quasi-judicial adjudication and to genuine authorities cited for propositions they do not support.[38] A waiver that is defensible would be confined to a validated task with a low cost of error, reversibility, sampling and escalation, and could never reach cited authorities or facts used in adjudication.

Beyond these substantive friction points, the draft contains technical cross-referencing and structural classification errors.

First, the opening clause of Regulation 20(1) specifies that its absolute prohibitions cannot be relaxed, "including under the power conferred by Regulation 19(1)."[39] Regulation 19(1), however, merely enumerates illustrative permissible uses requiring prior approval; it confers no power of relaxation. The general power to relax provisions resides in Regulation 56, which already explicitly excludes Regulation 20 from its scope, making the reference in Regulation 20(1) an evident drafting oversight.

Second, the ban on algorithmic dispute-outcome prediction is relegated to the proviso of Regulation 16(1)—which governs the general presumption of adoption—rather than listed among the non-derogable prohibitions in Regulation 20(1). As the JNU Study Group observed, outcome-prediction tools directly touch the core of adjudicatory integrity and should be codified explicitly as an absolute prohibition under Regulation 20.[40]

VII. ADMINISTRATIVE AI AND ADJUDICATORY IMPACT: FUNCTIONAL CLASSIFICATION AND BENCH ALLOCATION

[37] Draft Regulations, *supra* note 2, reg. 8(3) and provisos.
[38] Draft Regulations, *supra* note 2, regs. 19(1)(b)–(d); *Pooja Ramesh Singh*, *supra* note 7, para 7; *Gadiya*, *supra* note 7, paras 4–7.
[39] Draft Regulations, *supra* note 2, reg. 20(1).
[40] Draft Regulations, *supra* note 2, reg. 16(1) (proviso); JNU Submission, *supra* note 12, Part I.

The draft defines "administrative function" as any function other than adjudication, with examples that include case filing, cause-list preparation, scheduling and listing, notices and process, and defect scrutiny. Administrative treatment is lighter in two ways. A tool used exclusively for such functions may be deemed verified on a class basis, and the AI Secretariat may grant expedited approval, within thirty days under regulation 46(7), to an administrative tool that involves no personal data of parties, does not affect adjudicatory functions and resembles an approved tool.[41] Those conditions are reasonable on their face.

The difficulty is that scheduling, prioritisation and defect scrutiny can be consequential. A tool that postpones a liberty matter or marks a filing defective affects adjudication in the sense that matters under Article 21, and the AIMPLB made the same point in its response of July 9, 2026.[42] The eCourts programme itself contemplates data-based support for judges and registries in scheduling and prioritising cases, so the use is not hypothetical.[43]

The European Union's approach shows a different test. The AI Act classifies systems that assist a judicial authority in researching and interpreting facts and law as high-risk, but recital 61 excludes purely ancillary administrative activities that do not affect the actual administration of justice in individual cases.[44] Proper regulatory oversight requires evaluating a tool's operational effect rather than its formal classification or administrative nomenclature.

The draft should align its oversight mechanisms with the actual risk to litigants, subjecting any tool that influences case timing, filing validity, or access to justice to strict task-level controls. Specifically, automated workflows should incorporate human review prior to rejection, written justifications, procedural avenues for

[41] Draft Regulations, *supra* note 2, regs. 3(1)(b), 8(3) (second proviso), 34(4) and 46(7).
[42] Khan, *supra* note 14 (reporting the response of the All India Muslim Personal Law Board of July 9, 2026).
[43] Press Information Bureau, Ministry of Law and Justice, "Cabinet Approves eCourts Phase III for 4 Years" (Sept. 13, 2023), *available at*: https://www.pmindia.gov.in/?p=16276489 (last visited on Aug. 27, 2026)) [hereinafter PIB eCourts].
[44] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act), OJ L, 2024/1689, 12.7.2024, recital 61 and annex III, point 8(a), *available at:* https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32024R1689 (last visited on Oct. 05, 2026) [hereinafter EU AI Act].

correction, and priority escalation where fundamental rights or limitation periods are at stake.

In the context of administrative aspects of bench allocation and case listing, software already carries out much of the listing and allocation that the draft's permitted uses describe. The Supreme Court's automated listing scheme, launched in 2017, auto-generates dates for matters and allots them to Benches by subject category, subject to the Chief Justice's directions on coram, and the Allahabad High Court has allocated fresh cases to Benches automatically since 2019.[45] These systems apply a roster that the Chief Justice has already set.

The draft does not say whether they are "AI": regulation 3(1)(m) covers systems that infer, learn and generate decisions from data, and it excludes general-purpose software.[46] The question that matters is the step beyond rule application. The Court was reported in March 2026 to be introducing software for listing and bench allocation, and the Gujarat High Court's policy permits allocation on anonymised metadata.[47] A system that ranks, prioritises or recommends is consequential in effect, because computerised tentative dates can recur without an actual listing,[48] yet on the draft's wording it would be an administrative tool, eligible for class-wide verification and thirty-day approval.[49]

The draft should say whether rule-based listing and allocation software is within regulation 3(1)(m) and subject to regulation 41; it should separate software that

[45] Supreme Court of India, *An Overview of the New Scheme for Automated Listing of Cases*, items 1, 10, 14 and 18, *available at:* https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/documents/notices-circulars/rationalisation_of_assignment_final1.pdf (last visited on Oct. 10, 2026); High Court of Allahabad, *Notice on Automatic Case Allocation System* (w.e.f. Jan. 28, 2019), *available at:* https://www.allahabadhighcourt.in/event/event_5021_25-01-2019.pdf (last visited on Sep. 21, 2026).

[46] Draft Regulations, *supra* note 2, regs. 3(1)(m) and 41.

[47] "SC to Launch AI Reforms to Remove Human Intervention in Administrative Tasks" *Siasat Daily* (Mar. 13, 2026) (reporting *Bar & Bench*), *available at:* https://www.siasat.com/sc-to-launch-ai-reforms-to-remove-human-intervention-in-administrative-tasks-3434272/ (last visited on Aug. 23, 2026); "Gujarat HC Releases AI Policy Barring Court Decisions, Reasoning, Orders" *MediaNama* (Apr. 2026), *available at:* https://www.medianama.com/2026/04/223-gujarat-hc-releases-ai-policy-barring-court-decisions-reasoning-orders/ (last visited on Sep. 21, 2026).

[48] Abhishek Jebaraj, "Finding the Next Date" *LiveLaw*, *available at:* https://www.livelaw.in/articles/finding-next-date-531231 (last visited on Oct. 09, 2026).

[49] Draft Regulations, *supra* note 2, regs. 3(1)(b), 8(3) (second proviso), 19(1)(a) and (e), 34(4) and 46(7).

applies a published roster or listing rule from systems that learn, rank or recommend, and apply the full controls to the second kind; and the tool should operate under a published roster policy adopted by the Chief Justice, with logs, recorded reasons for any override, and review by a body other than the one that built it.

VIII. LAWYERS' FILINGS AND EVIDENCE

The draft regulation proposes that a party or representative who uses an AI tool in preparing a document, pleading or evidence must disclose its AI-assisted character in the format of Annexure I, and the court may require disclosure of the tool used, the extent of assistance and the steps taken to verify accuracy. The definition of generative AI adds that no such content may be filed without mandatory disclosure of its origin and verification through a designated centralised mechanism, and regulation 44 creates an AI Content Verification Authority to set verification standards. The definition of AI also reaches general-purpose software that is embedded with or functionally dependent on AI, which will catch a growing share of everyday tools.[50] The structure puts disclosure of the tool first and verification second, as something the court may ask about and a ground of responsibility after the event.

However, this centralised verification mechanism remains operationally undefined. The draft does not say what the AI Content Verification Authority verifies, by what standard, within what time, or whether a filing is held back until it has done so. If verification is a precondition to filing, delay becomes a new barrier to access, and if it is not, the definition's "mandatory" language has no content. The draft should either specify the mechanism or leave verification to the signer's certificate described below.

This structural sequence inverts the necessary regulatory priorities. The court's primary interest is that every authority and proposition put before it is genuine and supports the point for which it is cited. Disclosure of a tool says nothing about accuracy, and a blanket duty will be over-inclusive or meaningless as research databases and word processors acquire AI features. SCAORA is reported to have asked for a certificate that the advocate has personally verified every citation and

[50] Draft Regulations, *supra* note 2, regs. 3(1)(m), 3(1)(y), 43(3)–(4) and 44.

authority in place of disclosure, and Gandhi and Nagpal observe that regulation 43 catches routine, low-risk uses.[51] *Pooja Ramesh Singh* shows why verification must operate at the level of the proposition. A purported precedent can exist and still fail to support what is attributed to it, because the paragraph quoted is not in the judgment.[52]

Checking that a case exists is therefore not enough. Comparative practice supports this proposition-centric approach. By an opinion of May 28, 2026, effective June 15, 2026, the Florida Supreme Court amended Rule 2.515(d)(2) so that the signer of a filing represents that the legal authorities identified "exist and are accurately cited."[53] By Administrative Order AOSC26-12, issued the same day, the Court barred courts from imposing circuit-level AI disclosure or certification requirements and directed reliance on the amended rule. A similar model operates in Singapore, where guidelines direct court users to independently verify the accuracy of AI-generated material, reserving the disclosure of the AI tool itself strictly for instances where the court specifically requests it.[54]

The draft's blanket disclosure requirement fails to recognise the diverse capacities of those who navigate the justice system. A functional framework must differentiate between legal argument, for which an advocate assumes direct professional responsibility, and evidentiary submissions, which require independent integrity verification. It must also account for the unequal capacities of litigants. Because Article 39A directs the State to secure equal justice, unrepresented parties facing practical constraints must be afforded simplified compliance mechanisms and a safe harbour to correct innocent errors.[55] Comparative frameworks demonstrate how this flexibility can be achieved.

---

[51] *Bar & Bench* Report, *supra* note 15; Khan, *supra* note 14; Gandhi and Nagpal, *supra* note 14.
[52] *Pooja Ramesh Singh*, *supra* note 7, para 15; *Gadiya*, *supra* note 7, para 4.
[53] Fla. Rule 2.515 Amendment, *supra* note 36; AOSC26-12, *supra* note 36.
[54] Supreme Court of Singapore, Registrar's Circular No. 1 of 2024, *Guide on the Use of Generative Artificial Intelligence Tools by Court Users* (effective Oct. 1, 2024), *available at:* https://www.judiciary.gov.sg/docs/default-source/news-and-resources-docs/guide-on-the-use-of-generative-ai-tools-by-court-users.pdf?sfvrsn=3900c814_1 (last visited on Sep. 15, 2026) [hereinafter Singapore Guide].
[55] The Constitution of India, art. 39A; *Anita Kushwaha*, *supra* note 29.

The Federal Court of Australia, for example, maintains existing professional duties and imposes no standing disclosure rule for pleadings or submissions, requiring instead confirmation that cited authorities exist and support the propositions stated; disclosure attaches to AI use that informs witness evidence or may affect its admissibility, to AI-generated multimedia, and to any case in which the Court so directs.[56] Where courts encounter intentional fabrication rather than innocent error, procedural fairness still dictates that adverse inferences or cost orders follow formal notice and a hearing, with professional misconduct referred to the respective Bar Councils.[57]

The regulatory treatment of evidentiary submissions requires a distinct analytical approach. Mere disclosure of AI-generated material does not satisfy the threshold for admissibility. A synthetically generated reconstruction or statistical inference raises complex questions of relevance, authenticity, methodology, and evidentiary weight. While Section 63(4) of the Bharatiya Sakshya Adhiniyam, 2023 mandates a certificate for electronic records, this certificate establishes only technical provenance; it does not prove that a depicted event actually occurred or that an underlying inferential algorithm is sound.[58]

Therefore, the draft's mandate that no AI-generated output or synthetic data may be submitted as an independent evidentiary source without explicit disclosure is among its important provisions.[59] However, it would be significantly strengthened by incorporating a mandatory reliability inquiry for AI-assisted expert analysis. In sum, Regulation 43(3) should be amended to require a certificate of proposition-level verification for legal arguments, while retaining targeted disclosure strictly for AI-

[56] Federal Court of Australia, *Use of Generative Artificial Intelligence Practice Note (GPN-AI)* (Apr. 16, 2026), paras 2.1(c), 2.2, 4.5(b) and 4.10, *available at:* https://www.fedcourt.gov.au/law-and-practice/practice-documents/practice-notes/gpn-ai (last visited on Aug. 05, 2026) [hereinafter GPN-AI].
[57] The Advocates Act, 1961 (Act 25 of 1961), ss. 35–38 and 49(1)(c); *Ajay Vijh*, *supra* note 24; *Pooja Ramesh Singh*, *supra* note 7.
[58] The Bharatiya Sakshya Adhiniyam, 2023 (Act 47 of 2023), s. 63(1)–(4), *available at:* https://www.indiacode.nic.in/bitstream/123456789/20063/1/aa202347.pdf (last visited on Sep. 02, 2026).
[59] Draft Regulations, *supra* note 2, regs. 20(1)(h) and 43(5).

generated evidence and synthetic data. Any resulting consequences must remain tethered to proper notice, an evidentiary hearing, and Bar Council discipline.

IX. JUDGMENT PREPARATION: JUDICIAL REASONING AND MEANINGFUL HUMAN REVIEW

The draft states the principle of human primacy without qualification. AI is to remain "strictly subservient to human judgment and judicial authority", no judicial outcome may be reached through algorithmic decision-making alone, and risk scoring, including assessment of bail eligibility and credibility, is prohibited whatever a human signs. The text, however, leaves one question open. Regulation 4(2) says every AI system functions solely in an assistive capacity, yet regulation 20(1)(c) prohibits AI from performing adjudication or sentencing only "without mandatory Human-in-the-Loop" and treats its output on such questions as advisory.

Regulations 26(2) and 29(2) also contemplate tools to assist in adjudication.[60] The IFF reads "advisory" as leaving room for AI-assisted bail and sentencing recommendations.[61] On that reading, the prohibition reaches adjudication by AI alone or without human review, and does not exclude AI-assisted adjudication with review. For liberty matters the narrower reading is the safer one: AI may assist the judge, but may not recommend an outcome.

The draft is silent on the use that lies closest to the judge's own function: the preparation of orders and judgments. The definition of "court process" includes "drafting", but regulation 19(1) lists no use of that kind, so any tool for it needs prior written approval, with reasons, under regulation 19(2), and the draft offers no criteria for granting it. Nor is it clear that parties would learn of such use. Regulation 43(1) requires the court to inform parties when AI materially assists in case management, document analysis or judicial administration. Regulation 43(2) extends the duty to the permitted uses in regulation 19, but it is not clear that a use approved under regulation

[60] Draft Regulations, *supra* note 2, regs. 4(1)–(3), 20(1)(b)–(d), 26(2), 29(2) and 40.
[61] IFF Comments, *supra* note 13 (discussing reg. 20(1)(c)).

19(2) is one of them. The format of the court's own declaration is left to Annexure II, which was not published, so its content cannot be assessed.[62]

Other judiciaries have drawn a line. The judiciary of England and Wales stated on October 9, 2026 that AI tools must not determine the outcome of a case or displace judicial reasoning, and that every output used in judicial work must be reviewed, verified and approved by the responsible judicial office holder.[63] The Gujarat High Court's policy is stricter. It bars AI in order drafting and judgment preparation, and allows help with language, structure and clarity that does not influence substantive reasoning.[64] The SC draft takes neither position. It should name judgment drafting, say how far assistance is allowed, and require disclosure to the parties when it is used.

In Indian administrative and constitutional law, the duty to provide reasoned orders serves as the foundational nexus between fairness, accountability, and the appellate review.[65] Though a judge need not draft every word without technological aid, the law forbids the outsourcing of substantive judicial reasoning. The draft regulations should, therefore, draw a bright line between clerical or linguistic formatting and any algorithmic assistance that materially shapes adjudicatory analysis.

When a tool is used for issue-framing, critical summaries, or proposed logic, the framework must require explicit judicial approval and the preservation of a secure audit trail for the generated outputs.

For tasks falling on the mechanical side of this divide, the draft already attempts to codify human oversight, though the standards remain incomplete. Regulations 19(1)(b) and (c) require a Designated Officer to review and certify AI-generated transcriptions, and mandate human verification for translation fidelity.[66] Neither provision defines the scope of this review. The intensity of human oversight must

[62] Draft Regulations, *supra* note 2, regs. 3(1)(q), 19(2) and 43(1)–(3).
[63] Courts and Tribunals Judiciary of England and Wales, *Position Statement on the Judicial Use of Artificial Intelligence (AI)* (Oct. 9, 2026), *available at:* https://www.judiciary.uk/guidance-and-resources/position-statement-on-the-judicial-use-of-artificial-intelligence-ai/ (last visited on Oct. 10, 2026) [hereinafter UK Position Statement].
[64] Gujarat Policy, *supra* note 22.
[65] *Kranti Associates (P) Ltd. v. Masood Ahmed Khan*, (2010) 9 SCC 496; *S.N. Mukherjee v. Union of India*, (1990) 4 SCC 594; Draft Regulations, *supra* note 2, reg. 4(3).
[66] Draft Regulations, *supra* note 2, reg. 19(1)(b)–(c).

scale with the jurisprudential consequence of the output. A sampled or localised check may be adequate for procedural orders, but translated final judgments which dictate litigants' rights and bind lower courts demand exhaustive comparative review. The framework must therefore require the reviewing officer to document the precise extent of their verification in the certificate, while tasking the AI Secretariat with identifying high-stakes document classes that categorically require a formally qualified translator.

A statutory mandate for human oversight does not inherently secure the human-in-the-loop end objective. Empirical studies demonstrate that formal "human-in-the-loop" policies frequently fail to produce meaningful review. In simulated environments, participants exhibit profound automation bias, and even experienced judges find their sentencing decisions skewed by irrelevant algorithmic anchors.[67] While these specific studies did not measure Indian judicial officers, the Supreme Court Advocates-on-Record Association has similarly warned that heavy docket burdens will inevitably drive automation bias, and in *Gadiya* the Supreme Court cautioned that entrusting AI with "the pilot's seat" would be "both imprudent and dangerous".[68] Consequently, a mere declaration that an officer reviewed the output offers little real protection. To prevent oversight from becoming a rubber stamp, actual friction must be built directly into the software and the workflow.

It is important to highlight that the draft's incident-reporting mechanism fails to address the legal fallout of algorithmic errors. Regulation 21 requires every violation of a regulation 20 prohibition to be reported to the AI Secretariat and placed before the AI Committee, which may direct remedial measures including suspension of the system, but it names no officer who must report and gives the committee no

[67] Linda J. Skitka, Kathleen L. Mosier and Mark Burdick, "Does Automation Bias Decision-Making?" 51 *International Journal of Human-Computer Studies* 991 (1999); Birte Englich, Thomas Mussweiler and Fritz Strack, "Playing Dice with Criminal Sentences: The Influence of Irrelevant Anchors on Experts' Judicial Decision Making" 32 *Personality and Social Psychology Bulletin* 188 (2006); Ben Green, "The Flaws of Policies Requiring Human Oversight of Government Algorithms" 45 *Computer Law and Security Review* 105681 (2022), *available at:* https://www.sciencedirect.com/science/article/pii/S0267364922000292 (last visited on Oct. 08, 2026).

[68] Khan, *supra* note 14; *Gadiya*, *supra* note 7, para 6.

jurisdiction over an order already made.[69] The draft leaves a gap between discovering a systemic failure and triggering a legal remedy, whether that is an appeal, review or professional discipline through the Bar Councils or constitutional avenues.[70]

X. INSTITUTIONAL ARCHITECTURE: THE LIMITS OF IN-HOUSE AUDIT AND REMEDIAL GAPS

By concentrating development, approval, and auditing functions within a single judicial hierarchy, the draft creates a structural deficit in accountability. The Judicial Committee and the Case and Data Management Committee are to "innovate, develop and deploy" tools, the Apex Body and the AI Committees approve them, and regulation 38(2) requires audits to be conducted "in-house" without saying who conducts them.[71] While there can be no presumption of institutional bad faith, this consolidated architecture presents a severe assurance risk.

Drawing on standard administrative safeguards, PUCAR proposes a permanent Indian Courts Service to execute technology programmes, with the AI Committees keeping approval and CoRE-AI owning neutral standards, on the principle that those who set standards should not procure, those who procure should not audit, and those who audit should be independent of both.[72] The JNU group reaches a similar view and objects that the Apex Body is mandated to "promote" the technology it oversees.[73] The framework should identify the developer, evaluator, approving authority and incident investigator for each system, and bar a developer from certifying its own consequential deployment.

While Regulation 35 lists broad criteria for impact assessments, it fails to prescribe the substantive thresholds required to pass them. As PUCAR notes, each High Court may reach a different answer on the same system.[74] Minimum specifications for explainability, error thresholds, data provenance and override rights, set by a body

[69] Draft Regulations, *supra* note 2, regs. 21 and 23(g).
[70] The Constitution of India, arts. 124(4), 217(1)(b) and 235; The Judges (Inquiry) Act, 1968 (Act 51 of 1968); The Advocates Act, 1961 (Act 25 of 1961), ss. 35–36.
[71] Draft Regulations, *supra* note 2, regs. 24(1)(b), 26(2), 29(2), 33(3)(a) and 38(2).
[72] PUCAR Submission, *supra* note 14, Section 1.
[73] JNU Submission, *supra* note 12, Part I; Draft Regulations, *supra* note 2, reg. 22(1).
[74] PUCAR Submission, *supra* note 14, Section 2; Draft Regulations, *supra* note 2, reg. 35(3).

with no procurement role, would let courts decide on evidence, and regulation 32(3)(b) already gives CoRE-AI the task of evaluating tools. Regulation 38(2) bars sharing source code, algorithms or datasets with a third party "for an audit outside the Court premises".

On its face it does not forbid an independent specialist working inside a secure court environment, and regulation 46(4)(e) and (g) require audit rights and source and model transparency in vendor contracts. For commercial models whose internals a court cannot inspect those contractual rights may be unobtainable, and the text should say expressly that independent auditors may work inside the court under confidentiality undertakings.[75]

The Apex Body includes a MeitY officer not below the rank of Joint Secretary, and MeitY and CERT-In officials may sit on the Cyber Security Committee.[76] The IFF objects that the Union is the largest litigant before the courts whose tools the body will approve.[77] Excluding executive expertise would be a poor answer, and so would assuming that it is neutral. The instrument should define the role as technical liaison, require conflict declarations where a ministry is a party, and limit access to case material by rule. Transparency is similarly incomplete. Regulation 37(1) lists what each AI Register must record, but public disclosure is "subject to data protection, confidentiality and cyber security", the form is left to the Appropriate Authority, and no minimum public fields, such as a system's risk tier or evaluation summary, are prescribed. Regulation 41 requires review of systems already in use within one year of commencement and is silent on what applies meanwhile, and no public assessment of error rates has been published for tools such as SUVAS and SUPACE.[78]

While the draft's substantive evaluation standards remain underdeveloped, its framework for post-deployment incident reporting is comparatively robust. Findings from an incident in one High Court must be communicated to the AI Secretariats of

[75] Draft Regulations, *supra* note 2, regs. 32(3)(b), 38(2) and 46(4)(e) and (g); Mehta and Nayak, *supra* note 14 (first gap); JNU Submission, *supra* note 12, Part II; Khan, *supra* note 14 (reporting SCAORA's request for external audits of high-risk systems).
[76] Draft Regulations, *supra* note 2, regs. 22(2)(e) and 30(1).
[77] IFF Comments, *supra* note 13 (executive presence); JNU Submission, *supra* note 12, Part II.
[78] Draft Regulations, *supra* note 2, regs. 37(1)–(2) and 41; JNU Submission, *supra* note 12, Part I.

the others and to the Apex Body, and every High Court, tribunal and commission must submit an annual transparency report on the systems in use, audit outcomes, incidents and compliance, and publish it.[79] The reports will be comparable only if the Apex Body prescribes minimum content, such as tools by function, incidents by category, human overrides, audit findings and grievance outcomes.

Despite this extensive administrative apparatus, the draft's remedial framework constrains aggrieved litigants. Regulation 52 allows a party harmed by a prohibited use to apply "at the earliest opportunity" to the court in which the system was or is being used. It covers prohibited uses only, sets no limitation period and sends the complaint to the court whose own system is impugned. The provision is partly cushioned. Regulation 43(1) obliges courts to inform parties of material AI assistance that may affect their proceedings, regulation 52(2) lets a High Court prescribe procedures and formats for grievances, and regulation 53 preserves every other remedy available in law.[80] Even so, a harm caused by a permitted use that failed has no dedicated route, and the grievance function of the Apex Body under regulation 23(g) is limited to hearing and recommending. The remedy should extend to harms from permitted uses, name a forum other than the court whose tool is impugned, and carry a limitation period that runs from knowledge.

XI. COMPARATIVE STANDARDS AND THEIR INDIAN APPLICATION

As courts globally respond to algorithmic tools, evaluating the Indian draft against foreign models requires more than a superficial textual comparison. A comparative model is useful only if it accounts for the institutional context: specifically, which authority enforces the duty, under what jurisdictional mandate, and with what institutional resources. The foreign frameworks frequently cited in AI governance are not legally uniform. For example, the European Union's instrument is a statute, California's are judicial-council policies, England and Wales has judicial guidance, the

[79] Draft Regulations, *supra* note 2, regs. 39(2) and 45.
[80] Draft Regulations, *supra* note 2, regs. 43(1), 52(1)–(2) and 53.

United States federal courts and Florida use rules of court, and Brazil's is a resolution of a constitutionally created council.

As discussed earlier, the European Union's AI Act designates judicial AI systems as high-risk, distinguishing substantive adjudication from purely ancillary administrative tasks. Beyond this classification, however, the Act is notable for its rigorous institutional obligations. It imposes duties of risk management, data governance, logging and human oversight, and expressly requires deployers to remain vigilant against automation bias.[81] Yet, even this highly developed statutory framework acknowledges the practical difficulty of immediate compliance. The Digital Omnibus (Regulation (EU) 2026/1744), enacted in July 2026, deferred the application date for these standalone judicial obligations to December 2, 2027.[82]

This delay demonstrates that even a dense, well-resourced system must postpone its most demanding duties to allow for capacity building. At the other end of the regulatory spectrum, instruments such as the Council of Europe's CEPEJ Ethical Charter (2018) and UNESCO's Guidelines for the Use of AI Systems in Courts and Tribunals (2025) function as non-binding normative frameworks. While devoid of coercive statutory force, they carry immense persuasive value.[83]

Examining United States practice reveals a highly decentralized regulatory environment, where AI governance must be analysed strictly by specific jurisdiction and institutional function. California's Rule 10.430, effective September 1, 2025, requires a court that permits generative AI use by staff or judicial officers to adopt a policy by December 15, 2025, and Standard 10.80 addresses adjudicative use; both are internal policies issued through the Judicial Council and say nothing about advocates' filings.[84]

---

[81] EU AI Act, *supra* note 44, recital 61, arts. 6(2), 9, 10, 12, 14(4)(b) and 26 and annex III, point 8(a).
[82] Regulation (EU) 2026/1744 of the European Parliament and of the Council of 8 July 2026 amending Regulation (EU) 2024/1689 (Digital Omnibus on AI), OJ L, 2026/1744, 24.7.2026 (in force July 27, 2026) [hereinafter Digital Omnibus].
[83] Dave, *supra* note 17 (listing the CEPEJ European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their Environment (2018) and UNESCO's Guidelines for the Use of AI Systems in Courts and Tribunals (2025)).
[84] California Rules of Court, r. 10.430; California Standards of Judicial Administration, standard 10.80 (effective Sept. 1, 2025); *see* Dave, *supra* note 17 (noting that California acted through the Judicial Council and required courts to adopt their own policies).

Federal Rule 11 supplies a tool-independent baseline, under which the presenting professional answers for the legal and factual support of a filing after reasonable inquiry, and Florida's 2026 amendment extends a version of that duty to all signers in its courts.[85] In England and Wales the October 2025 judicial guidance stresses accuracy, confidentiality and personal responsibility, and the October 2026 position statement adds judicial leadership, approved tools meeting stated conditions on data residency and web access, and a central steering group; neither is a Practice Direction.[86] Singapore's circular and Australia's practice note govern court users and not court-side tools, and the Canadian Judicial Council's guidelines tell judges that decision-making must not be delegated to AI.[87]

Brazil's National Council of Justice issued Resolution 615/2025 on the governance of AI in the judiciary, which adopts a risk-based approach, and has since amended it by Resolution 674/2026.[88] The Council's national reach rests on article 103-B of the Brazilian Constitution, which creates it and fixes its powers, a status the Apex Body lacks.[89] The survey carries a caution: regulatory borrowing works only when the adopting jurisdiction possesses the corresponding institutional architecture. Against this backdrop the Indian draft is a structural outlier.

It is highly unusual for an internal committee of an apex court to issue a binding national code that occupies the entire regulatory field. The draft consolidates absolute prohibitions, technical approval pipelines, mandatory vendor terms, and litigant disclosure duties into a single text. Among the surveyed models, only the European

[85] The Federal Rules of Civil Procedure, 1938 (U.S.), r. 11(b)–(c); Fla. Rule 2.515 Amendment, *supra* note 36.
[86] Courts and Tribunals Judiciary of England and Wales, *Artificial Intelligence (AI) Judicial Guidance* (Oct. 2025), *available at:* https://www.judiciary.uk/guidance-and-resources/artificial-intelligence-ai-judicial-guidance-october-2025/ (last visited on Sep. 18, 2026) [hereinafter UK Judicial Guidance]; UK Position Statement, *supra* note 63.
[87] Singapore Guide, *supra* note 54; GPN-AI, *supra* note 56; Canadian Judicial Council, *Guidelines for the Use of Artificial Intelligence in Canadian Courts* (1st ed. Sept. 2024), *available at:* https://cjc-ccm.ca/en/resources-center/publications/guidelines-use-artificial-intelligence-canadian-courts (last visited on Oct. 03, 2026) [hereinafter CJC Guidelines].
[88] Conselho Nacional de Justiça, Resolução No. 615, de 11 de março de 2025 (Braz.) (English translation), *available at:* https://rm.coe.int/resolution-6152025/1680b51b66 (last visited on Oct. 06, 2026) [hereinafter CNJ Resolution 615/2025]; Conselho Nacional de Justiça, Resolução No. 674, de 25 de março de 2026 (Braz.), *available at:* https://atos.cnj.jus.br/atos/detalhar/6836 (last visited on Sep. 21, 2026).
[89] The Constitution of the Federative Republic of Brazil, 1988, art. 103-B.

AI Act and the Brazilian resolution approximate this scale of institutional machinery. Yet, even the dense European framework leaves the procedural policing of advocates' filings entirely to domestic rules, which shows how much the Indian draft attempts to carry.

XII. OPERATIONAL CAPACITY AND PHASED COMMENCEMENT IN DISTRICT COURTS

The draft's uniform application across the judicial hierarchy assumes an operating ecosystem that current funding and infrastructure cannot support. Phase III of the eCourts project, approved on September 13, 2023 with an outlay of ₹7,210 crore over four years, extends digitisation across the courts, yet the share dedicated to AI remains marginal.[90] According to the Union Government's replies in the Lok Sabha, the Detailed Project Report allocates only ₹53.57 crore, roughly 0.7 per cent of the total outlay, to the component of "Future Technological Advancement (AI, Blockchain, etc.)", a head that extends beyond AI and is stated only for the High Courts up to 2027.[91]

A February 2026 report by DAKSH and the Digital Futures Lab found AI adoption in Indian courts to be largely ad hoc and driven by individual champions, with High Courts like Kerala, Gujarat, and Punjab and Haryana already diverging in their approaches.[92] Although the eCourts project maintains detailed metrics on district court computerisation and digital literacy, the draft fails to anchor its new AI governance duties to this existing data. Imposing a uniform regulatory code across the judicial hierarchy without an accompanying capability assessment is a structural

[90] PIB eCourts, *supra* note 43.
[91] Lok Sabha, Unstarred Question No. 4289, "Implementation of AI Tools in Judiciary", answered on Dec. 20, 2024, *available at:* https://eparlib.sansad.in/bitstream/123456789/2987304/1/AU4289_Fw8Rzx.pdf (last visited on Nov. 02, 2026); Lok Sabha, Unstarred Question No. 848, "Use of Artificial Intelligence for Reducing Pendency of Cases", answered on Feb. 7, 2025, *available at:* https://eparlib.sansad.in/bitstream/123456789/2988406/1/AU848_sDjJfM.pdf (last visited on Nov. 02, 2026); Gupta, *supra* note 17.
[92] DAKSH and Digital Futures Lab (for UNDP), *AI for Justice: Ethical, Fair and Robust Adoption in India's Courts* (Feb. 2026), *cited in* Gandhi and Nagpal, *supra* note 14; Mehta and Nayak, *supra* note 14 (Kerala policy and Adalat AI); Gujarat Policy, *supra* note 22; Gupta, *supra* note 17 (reporting the Punjab and Haryana circular).

flaw. It legally binds district courts to complex operational and audit duties while ignoring the well-documented hardware and connectivity limitations that govern their daily administration.

These operational deficits necessitate a phased regulatory commencement, rather than a dilution of the controls themselves. Foundational safeguards—such as confidentiality duties, absolute prohibitions, and the mandate of human authority—cost little in hardware and must apply from the first day. Conversely, obligations like conformity assessments, controlled testing, independent audits, and register publication require specialised personnel and facilities that most district courts currently lack. Regulations 1(2), 36, and 41 already provide the statutory mechanics to stage these heavier duties. The mandate for digital literacy illustrates this need for sequencing. While Regulation 49 requires structured training for judges, advocates, and court staff, and Regulation 51 demands an annual training calendar, the draft ties no legal duty to the actual completion of this training. A judge made accountable under Regulation 8(1) for an AI-assisted decision must be formally trained—and provided with a functional tool—before that accountability attaches. Therefore, a published infrastructure review should precede each phase of implementation, ensuring district courts receive AI tools only after the Secretariat certifies adequate training, a localised fall-back protocol, and rigorous evaluation.

XIII. TECHNICAL STANDARDS AND JUDICIAL DATA GOVERNANCE

A. Reliability, Explanation and Evaluation

Regulatory oversight also requires attention to the technical realities of large language models. Two technical parameters carry direct legal consequences for the judicial framework: reliability and explainability. On reliability, empirical research demonstrates that hallucination is an inherent structural feature of generative architectures rather than an occasional glitch. Studies evaluating general-purpose language models on legal queries demonstrate hallucination rates ranging between 58

© 2026. LawFoyer International Journal of Doctrinal Legal Research (ISSN: 2583-7753)

and 88 per cent.[93] While Retrieval-Augmented Generation (RAG) which grounds outputs in authoritative legal databases significantly reduces these errors, specialised commercial legal tools still exhibit hallucination rates between 17 and 33 per cent.[94]

Although these studies evaluate United States legal datasets, their structural findings carry over: grounding mechanisms reduce errors but introduce distinct failure modes, such as omitting applicable statutory exceptions, misattributing judicial holdings, or subtly distorting verbatim text. Because Regulation 3(1)(s) defines hallucination broadly to encompass any misleading, ungrounded, or inaccurate output,[95] verification cannot be satisfied by merely confirming that a cited precedent exists—it demands proposition-level scrutiny of the underlying text.

The second technical challenge concerning explainability touches the core of Indian administrative law: the duty to give reasoned orders, rooted in natural justice and Article 14.[96] Regulation 20(1)(e) places an absolute prohibition on undisclosed, opaque, or unexplainable systems in any court process that materially affects rights or liberty,[97] while Regulation 3(1)(w) defines explainability as a comprehensible account of the reasoning, factors, weightings, and process behind an output. Read at the architectural level, this requirement would exclude deep learning models from judicial workflows, as inner-mechanistic interpretability remains an unsolved research problem. Technical research also confirms that a language model's generated "chain-of-thought" does not constitute a true causal record of its internal process, as models frequently rationalise outputs post hoc.[98]

To remain operable, explainability must be evaluated at the system level through empirical validation rather than mechanistic decomposition. To fulfil Regulation 35(3)(c)'s mandate to assess bias, error, and hallucination, courts must move beyond

[93] Matthew Dahl et al., "Large Legal Fictions: Profiling Legal Hallucinations in Large Language Models" 16 *Journal of Legal Analysis* 64 (2024).
[94] Varun Magesh et al., "Hallucination-Free? Assessing the Reliability of Leading AI Legal Research Tools" 22 *Journal of Empirical Legal Studies* 216 (2025).
[95] Draft Regulations, *supra* note 2, reg. 3(1)(s).
[96] *State of Orissa v. Dhaniram Luhar*, (2004) 5 SCC 568; *Kranti Associates*, *supra* note 65.
[97] Draft Regulations, *supra* note 2, reg. 20(1)(e).
[98] Miles Turpin et al., "Language Models Don't Always Say What They Think: Unfaithful Explanations in Chain-of-Thought Prompting" *arXiv preprint arXiv:2305.04388* (2023).

vendor self-certification. The evaluation framework should use legal NLP benchmarks such as IL-TUR (Indian Legal Language Understanding and Reasoning)[99] to construct held-out, expert-graded evaluation sets that evaluate task performance in regional languages, recording abstention rates and fatal errors separately from aggregate accuracy averages. As proposed in stakeholder submissions, CoRE-AI should maintain shared reference datasets for routine tasks like OCR, translation, and case classification, paired with explicit performance thresholds before any tool is cleared for deployment.[100]

Emerging model architectures alter technical execution without changing these fundamental regulatory duties. Neuro-symbolic systems pair statistical language models with explicit rule-based engines, generating inspectable reasoning traces. However, a valid logical trace proves only that pre-encoded rules were applied to extracted facts; if the statistical front-end misreads a filing date or misses a statutory exception, the system produces an authoritatively formatted error.

Because Regulations 3(1)(m) and 3(1)(n) define AI by functional effect rather than underlying code design, hybrid architectures remain fully subject to regulatory controls. Scrutiny must focus on the complete pipeline—evaluating the provenance of encoded rules, the frequency of updates, and the precise boundary where automation stops and human adjudication begins. Delineating this boundary is crucial for tools with autonomous functionality, such as automated notice generation under Regulation 19(1)(k),[101] where the regulations must explicitly define when software may execute a procedural step without prior judicial validation.

B. Judicial Data and Control of Computing

Judicial data held by courts cannot be treated as a single, homogenous public corpus for machine consumption. The open-court principle supports public scrutiny of proceedings and judgments but does not decide bulk collection, secondary reuse or

[99] Abhinav Joshi et al., "IL-TUR: Benchmark for Indian Legal Text Understanding and Reasoning" in *Proceedings of the 62nd Annual Meeting of the Association for Computational Linguistics (Volume 1: Long Papers)* 11460 (2024), *available at:* https://aclanthology.org/2024.acl-long.618/ (last visited on Sep. 13, 2026).
[100] PUCAR Submission, *supra* note 14, Section 2.
[101] Draft Regulations, *supra* note 2, reg. 19(1)(k).

model training.[102] Specific statutes restrict specific records: section 72 of the Bharatiya Nyaya Sanhita, 2023 on victim identity, the Protection of Children from Sexual Offences Act, 2012, the Family Courts Act, 1984, and section 366 of the Bharatiya Nagarik Suraksha Sanhita, 2023 on proceedings held in camera.[103]

The Digital Personal Data Protection Act, 2023 matters here, but most of its operative provisions, sections 3 to 17 apart from section 6(9), commence only on May 13, 2027, the date that stood as of this article's cut-off of October 10, 2026.[104] They then provide an exclusion for personal data made public under a legal obligation, an exemption from most of Chapter II and Chapter III for processing by a court necessary for a judicial function, which leaves the fiduciary's overall responsibility and security duties in place, and a research exemption that depends on the data not being used to decide anything specific to a data principal.[105]

The sequencing creates a paradox for court AI deployment. The draft's provisions can commence court by court under regulation 1(2) before the Act's core provisions take effect, so a court could run systems that process personal data before any statutory regime applies. Whether training a model on court records is "necessary" for a judicial function, and so within the exemption, is doubtful. SCAORA asks for a framework that identifies who is data fiduciary and who is data processor for each system, and Kodandaram adds that secondary use of litigants' data raises purpose-limitation and consent questions and that cross-border processing is largely unaddressed.[106]

Training and inference need separate controls, because a record excluded from training can still leak through a prompt, a retrieved passage, a log or a backup, and

[102] *Swapnil Tripathi v. Supreme Court of India*, (2018) 10 SCC 628.
[103] The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023), s. 72; The Protection of Children from Sexual Offences Act, 2012 (Act 32 of 2012), ss. 23, 33(7) and 37; The Family Courts Act, 1984 (Act 66 of 1984), s. 11; The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), s. 366(2)–(3).
[104] Ministry of Electronics and Information Technology, Notification G.S.R. 843(E), *Gazette of India*, Extraordinary, pt. II, s. 3(i) (Nov. 13, 2025), cl. (c), *available at:* https://egazette.gov.in (last visited on Nov. 02, 2026).
[105] The Digital Personal Data Protection Act, 2023 (Act 22 of 2023), ss. 3(c)(ii), 8(1), 8(5), 17(1)(b) and 17(2)(b) [hereinafter DPDP Act].
[106] Khan, *supra* note 14 (reporting SCAORA's submission); Kodandaram, *supra* note 16, pts. 9, 13–14.

models can reproduce verbatim sequences from their training data.[107] To prevent unauthorised data persistence, the regulations should adopt something akin to the six-tier illustrative classification of judicial data in Table 1.

The six tiers in Table 1 each carry their own treatment for training, retrieval and access. Where a record falls in two tiers, the stricter treatment governs. Tier 3, records of pending matters, is the hard case, because they are neither public nor covered by a specific statute, so the default of no training and workspace-only retrieval should hold until the Court adopts a data policy, which the JNU group also urges.[108]

Table 1: Proposed six-tier classification of judicial data

Tier	Material	Training	Retrieval and access	Statutory/Doctrinal Basis
1	Published judgments and final orders not subject to a restriction	Permitted after legal and quality checks	Open corpus	Open-court principle (*Swapnil Tripathi*)
2	Aggregate and non-personal administrative data (pendency, cause-list statistics, resource data)	Permitted for administrative analytics	Role-based; no continuous monitoring of identified individuals	Draft Regulations, regs. 19(1)(j), 20(1)(g)

[107] Nicholas Carlini et al., "Extracting Training Data from Large Language Models" in *30th USENIX Security Symposium* 2633 (2021), *available at:* https://www.usenix.org/system/files/sec21-carlini-extracting.pdf (last visited on Aug. 11, 2026).
[108] JNU Submission, *supra* note 12, Part I.

Tier	Material	Training	Retrieval and access	Statutory/Doctrinal Basis
3	Records of pending matters: pleadings, filings, evidence, interim orders	Excluded by default	Authorised case workspace only; access checked before retrieval	DPDP Act, s. 17(1)(b) (from May 13, 2027); *Puttaswamy*
4	Identity-protected and in-camera material	Excluded	Restricted workspace, if at all; no general retrieval	BNS, s. 72; POCSO Act, ss. 23, 33(7), 37; Family Courts Act, s. 11; BNSS, s. 366(2)–(3)
5	Privileged and confidential communications; sealed material	Excluded	Holder only; no vendor access	BSA, ss. 132–134
6	Judicial deliberations, draft reasons, security and personnel data	Excluded	Court-controlled systems only; no external vendor access	Draft Regulations, regs. 20(1)(i), 46(4)(j)–(k)

BNS: Bharatiya Nyaya Sanhita, 2023; BNSS: Bharatiya Nagarik Suraksha Sanhita, 2023; BSA: Bharatiya Sakshya Adhiniyam, 2023; POCSO Act: Protection of Children from Sexual Offences Act, 2012.

While Regulation 46 requires on-premise or sovereign-cloud deployment for sensitive judicial systems[109], physical server location alone does not ensure data sovereignty. Technical control depends on cryptographic ownership—specifically, whether the

[109] Draft Regulations, *supra* note 2, reg. 46.

judiciary holds exclusive possession of Hardware Security Modules (HSMs), encryption keys, and root administrative privileges.[110] In line with the Union Government's MeghRaj (GI Cloud) framework, vendor contracts must enforce zero-data-retention Application Programming Interfaces (APIs), mandate open-standard data formats to prevent proprietary vendor lock-in, and provide executable exit protocols under Regulation 28.

Finally, the framework must enforce a clear legal boundary between administrative performance analytics and judicial surveillance. Regulation 19(1)(j) permits tools for "court performance assessment and backlog monitoring," whereas Regulation 20(1)(g) places an absolute prohibition on surveillance or continuous monitoring of judicial officers, advocates, and litigants.[111] Analysing systemic court delays at an aggregate level is a legitimate administrative function. Conversely, using algorithmic tools to track the disposal rates, writing speeds, or grant-rates of individual judicial officers constitutes unconstitutional performance surveillance that infringes upon judicial independence. Furthermore, the carve-out in Regulation 20(1)(g) permitting surveillance "as specifically authorized by law" must be strictly interpreted to require express statutory authorisation, judicial warrants, and strict proportionality checks, ensuring that administrative oversight does not degenerate into automated judicial monitoring.

XIV. SUGGESTIONS AND RECOMMENDATIONS

To reconcile the Supreme Court's draft regulations with constitutional due process, operational capacity, and technical realities, this article proposes eight targeted regulatory amendments:

1. **Statutory Route to Enforceability and Model Standardisation:** The Supreme Court's text should be designated as a "Model Standard," enabling each High Court to adopt it through its plenary rulemaking powers under Articles 225, 227, and 235. Rules governing advocates' filing duties should be issued

[110] Department of Electronics and Information Technology, Government of India, *GI Cloud (MeghRaj) Strategic Direction Paper* (Apr. 2013), *available at:* https://www.meity.gov.in/content/gi-cloud-meghraj (last visited on Oct. 10, 2026).
[111] Draft Regulations, *supra* note 2, regs. 19(1)(j) and 20(1)(g).

separately by the Bar Council of India or High Courts under Section 34(1) of the Advocates Act, 1961.[112]

2. **Functional Effect Test for Administrative Workflows:** An operational "effect test" must replace the formal "administrative" label. Any tool influencing case listing, defect scrutiny, or filing rejection touches Article 21 rights and must require human confirmation, written reasons, and a correction route. Automated allocation software must operate under a published roster policy, with logs and written justifications for any manual override.[113]

3. **Proposition-Level Verification Certificates for Advocates:** Regulation 43(3) should replace blanket AI tool disclosure with a mandatory certificate where signers represent that all cited legal authorities exist and accurately support the propositions attributed to them. Blanket tool disclosure should be dropped, retaining targeted disclosure strictly for AI-generated evidence and synthetic data. Unverified filings should trigger show-cause notice and due process before any sanction.[114]

4. **Operationalising Human Oversight and Mitigating Automation Bias:** The verification waiver in Regulation 8(3) must explicitly exclude cited legal precedents and adjudicative facts, ensuring full alignment with the zero-tolerance standard in *Pooja Ramesh Singh.*[115] To counter automation bias, human oversight must be built into system architecture by requiring verifiable source-attribution for every algorithmic proposition.[116] In matters touching personal liberty, the framework must strictly prohibit pre-adjudicative outcome-scoring or recommendations, ensuring that core

[112] The Constitution of India, arts. 225, 227 and 235; The Advocates Act, 1961 (Act 25 of 1961), s. 34(1); *see supra* notes 22 and 23.
[113] Khan, *supra* note 14 (reporting the response of the All India Muslim Personal Law Board); IFF Comments, *supra* note 13; EU AI Act, *supra* note 44, recital 61.
[114] Fla. Rule 2.515 Amendment, *supra* note 36; Singapore Guide, *supra* note 54; The Bharatiya Sakshya Adhiniyam, 2023 (Act 47 of 2023), s. 63(4); Khan, *supra* note 14 (reporting SCAORA's request for a certificate of verification); *Bar & Bench* Report, *supra* note 15.
[115] *Pooja Ramesh Singh*, *supra* note 7.
[116] Ben Green, *supra* note 67.

judicial reasoning precedes any technological assistance. Finally, the AI Secretariat should use the periodic audits under Regulations 35 and 38 to evaluate aggregate system acceptance and override metrics, identifying systemic automation risks without intruding upon individual judicial decision-making.[117]

5. **Institutional Separation of Development, Evaluation, and Audit:** Software development, approval, and evaluation must be decoupled. CoRE-AI should set independent standards, while external auditors inspect code within court-controlled environments. MeitY representatives on the Apex Body should be non-voting technical liaisons subject to conflict declarations.[118] Finally, Regulation 52 remedies must extend to harms from failed "permitted" uses, specifying a neutral forum and a limitation period running from knowledge.

6. **Adoption of the Six-Tier Judicial Data Taxonomy:** The regulations should adopt the six-tier classification of judicial data (Table 1), separating model training from runtime inference under Section 17(1)(b) of the Digital Personal Data Protection Act, 2023.[119] Records of pending or protected matters (Tiers 3–6) must be excluded from vendor training corpora by default. Judicial cloud infrastructure must enforce exclusive judicial control over encryption keys and HSMs under the MeghRaj framework.[120]

7. **Technical Drafting Corrections and Remedial Notification Protocols:** The text must reconcile internal contradictions: harmonise Regulations 4(2) and 20(1)(c) on liberty tools, correct the opening cross-reference in Regulation 20(1), classify outcome-prediction as an absolute prohibition, and define the operative risk tiers.[121] The draft must also create a "remedial bridge": if the AI Secretariat discovers that corrupted AI output shaped a finalised order, it

[117] Khan, *supra* note 14 (reporting SCAORA's submission).
[118] PUCAR Submission, *supra* note 14, Section 1; JNU Submission, *supra* note 12, Part I; IFF Comments, *supra* note 13.
[119] DPDP Act, *supra* note 105, s. 17(1)(b); *Puttaswamy*, *supra* note 30.
[120] Draft Regulations, *supra* note 2, regs. 28 and 46; DeitY, *GI Cloud (MeghRaj) Strategic Direction Paper*, *supra* note 110.
[121] JNU Submission, *supra* note 12, Part I; Draft Regulations, *supra* note 2, regs. 4(2), 7(3), 12(2), 16(1) (proviso), 20(1) and 20(1)(c).

must bear a mandatory duty to notify the Chief Justice and competent Bench, while applying the nullity rule of *Pooja Ramesh Singh*, as extended in *Gadiya*, to fabricated precedents and to genuine authorities misattributed to propositions they do not support, but not to minor typographical errors in citation.

8. **Capacity-Certified Phased Commencement:** Commencement under Regulation 1(2) should be strictly phased.[122] Normative controls (confidentiality, prohibitions, verification) should apply immediately. Complex operational mandates (audits, registers) should start in appellate courts. District court deployment must remain conditional until the AI Secretariat certifies local hardware, completed training under Regulations 49 and 51, fall-back protocols under Regulation 42, and vernacular-language algorithmic evaluation.

XV. CONCLUSION

The Supreme Court of India's preliminary draft regulations are an early attempt to establish a comprehensive regulatory code for judicial artificial intelligence before explicit statutory intervention. The draft deserves substantial credit for establishing the non-negotiable principle of human primacy that AI must remain strictly assistive while authority over law, fact, and justice abides with the judge and for embedding robust safeguards such as absolute prohibitions, mandatory vendor contract terms, and party notification duties. Its fundamental limitation is its reliance on formal labels and procedural declarations where operational effect dominates. By permitting tools categorised as "administrative" to bypass rigorous evaluation despite their direct impact on listing and access to justice, replacing substantive citation checks with a blanket advocate disclosure declaration, and consolidating development, approval, and auditing within a single judicial hierarchy, the draft creates safeguards that appear complete on paper but remain vulnerable in practice.

[122] Draft Regulations, *supra* note 2, regs. 1(2), 36 and 41; PIB eCourts, *supra* note 43; DAKSH and Digital Futures Lab, *supra* note 92.

A durable regulatory architecture requires reconciling these ambitious mandates with constitutional federalism, statutory privacy regimes, and ground-level institutional capacity. To avoid jurisdictional friction with High Courts under Articles 225, 227, and 235 of the Constitution, the Supreme Court's text should function as a Model Standard, enabling High Courts to adopt its provisions under their plenary rulemaking powers while leaving advocate discipline to the Bar Councils under Section 34(1) of the Advocates Act, 1961.

Ultimately, the legitimacy of judicial technology rests on whether the legal system can swiftly detect and remedy algorithmic failure. *Pooja Ramesh Singh* has established the non-negotiable legal standard: a judicial decision resting on fabricated precedent is a nullity in the eyes of the law. To give effect to that zero-tolerance mandate, the regulations must establish a remedial bridge: whenever the AI Secretariat discovers that a prohibited or corrupted algorithmic tool has infected a finalised judicial order, it must immediately notify the Chief Justice and the competent Bench. What remains is to refine these regulations so they prevent that outcome, place each regulatory duty on an institution equipped to perform it, and specify who answers when the safeguards fail.

XVI. REFERENCES

A. Constitutional Provisions and Statutes

1. The Constitution of India.
2. The Advocates Act, 1961 (Act 25 of 1961).
3. The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023).
4. The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023).
5. The Bharatiya Sakshya Adhiniyam, 2023 (Act 47 of 2023), *available at:* https://www.indiacode.nic.in/bitstream/123456789/20063/1/aa202347.pdf (last visited on Sep. 02, 2026).
6. The Digital Personal Data Protection Act, 2023 (Act 22 of 2023).
7. The Family Courts Act, 1984 (Act 66 of 1984).

8. The Judges (Inquiry) Act, 1968 (Act 51 of 1968).
9. The Protection of Children from Sexual Offences Act, 2012 (Act 32 of 2012).
10. The Supreme Court Rules, 2013, Order IV.
11. Ministry of Electronics and Information Technology, Notification G.S.R. 843(E), *Gazette of India*, Extraordinary, pt. II, s. 3(i) (Nov. 13, 2025), *available at:* https://egazette.gov.in (last visited on Nov. 02, 2026).

B. Cases

1. *Ajay Vijh v. Indian Banks Association*, 2026 INSC 670 (SC, decided on July 7, 2026), *available at:* https://api.sci.gov.in/supremecourt/2024/10787/10787_2024_13_1501_71953_Judgement_07-Jul-2026.pdf (last visited on Oct. 05, 2026).
2. *Anita Kushwaha v. Pushap Sudan*, (2016) 8 SCC 509.
3. *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3.
4. *Gummadi Usha Rani v. Sure Mallikarjuna Rao*, SLP (C) No. 7575 of 2026, order dated Feb. 27, 2026 (SC), *available at:* https://www.verdictum.in/pdf_upload/gummadi-usha-rani-anr--1772891.pdf (last visited on Aug. 11, 2026).
5. *K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.
6. *Kranti Associates (P) Ltd. v. Masood Ahmed Khan*, (2010) 9 SCC 496.
7. *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.
8. *P. Ramachandra Rao v. State of Karnataka*, (2002) 4 SCC 578.
9. *Pooja Ramesh Singh v. Jammu and Kashmir Bank Ltd.*, Civil Appeal No. 11950 of 2025, 2026 INSC 668 (SC, decided on July 2, 2026), *available at:* https://indiankanoon.org/doc/113338666/ (last visited on Sept. 23, 2026).
10. *S.N. Mukherjee v. Union of India*, (1990) 4 SCC 594.
11. *State of Orissa v. Dhaniram Luhar*, (2004) 5 SCC 568.
12. *Swapnil Tripathi v. Supreme Court of India*, (2018) 10 SCC 628.

13. *Vijay Ghanshyam Gadiya v. Union of India*, 2026 INSC 947 (SC, decided on Sept. 2, 2026), *available at:* https://www.livelaw.in/pdf_upload/2026/09/02/vijay-ghanshyam-gadiya-v-union-of-india-and-another-697691.pdf (last visited on Nov. 02, 2026).

14. *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

C. Draft Regulations and Indian Court Instruments

1. Supreme Court of India, Notice dated June 3, 2026 (*Seeking views/suggestions of all stakeholders and the general public on draft 'Regulations for Use of Artificial Intelligence (AI) in Courts, 2026'*) and the draft Regulations for Use of Artificial Intelligence (AI) in Courts, 2026, *available at:* https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2026/06/2026060342.pdf (last visited on Oct. 04, 2026).

2. Supreme Court of India, Notice dated June 16, 2026 (Extension of time for submission of views/comments on draft 'Regulations for Use of Artificial Intelligence (AI) in Courts, 2026'), *available at:* https://allahabadhighcourt.in/Final_draft_with_Notice_v2.pdf (last visited on Oct. 08, 2026).

3. Supreme Court of India, Centre for Research and Planning, White Paper on Artificial Intelligence and Judiciary (Nov. 2025), *available at:* https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2025/11/2025112244.pdf (last visited on Aug. 28, 2026).

4. Supreme Court of India, An Overview of the New Scheme for Automated Listing of Cases, *available at:* https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/documents/notices-circulars/rationalisation_of_assignment_final1.pdf (last visited on Oct. 10, 2026).

5. eCommittee, Supreme Court of India, Model Rules for Live-Streaming and Recording of Court Proceedings.

6. High Court of Allahabad, Notice on Automatic Case Allocation System (w.e.f. Jan. 28, 2019), *available at:* https://www.allahabadhighcourt.in/event/event_5021_25-01-2019.pdf (last visited on Sep. 21, 2026).

7. High Court of Gujarat, Policy on the Use of Artificial Intelligence in Judicial and Court Administration, *available at:* https://gujarathighcourt.nic.in/hccms/sites/default/files/miscnotifications/Policy%20on%20the%20use%20of%20Artificial%20Intelligence%20in%20the%20Judicial%20and%20Court%20Administration.pdf (last visited on Sep. 18, 2026).

8. High Court of Kerala, Policy Regarding Use of Artificial Intelligence Tools in District Judiciary, Official Memorandum dated July 19, 2025.

D. Foreign and International Instruments

1. Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act), OJ L, 2024/1689, 12.7.2024, *available at:* https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32024R1689 (last visited on Oct. 05, 2026).

2. Regulation (EU) 2026/1744 of the European Parliament and of the Council of 8 July 2026 amending Regulation (EU) 2024/1689 (Digital Omnibus on AI), OJ L, 2026/1744, 24.7.2026.

3. Council of Europe, European Commission for the Efficiency of Justice (CEPEJ), European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their Environment (2018).

4. UNESCO, Guidelines for the Use of AI Systems in Courts and Tribunals (2025).

5. California Rules of Court, r. 10.430; California Standards of Judicial Administration, standard 10.80 (effective Sept. 1, 2025).

6. The Federal Rules of Civil Procedure, 1938 (U.S.), r. 11.

7. *In re Amendments to Florida Rule of General Practice and Judicial Administration 2.515*, No. SC2026-0673 (Fla. May 28, 2026) (effective June 15, 2026), *available at:* https://www.15thcircuit.com/sites/default/files/divisions/circuit-civil/ag/SCT-AI.pdf (last visited on Aug. 19, 2026).

8. *In re Representations by Signers of Filings*, Administrative Order No. AOSC26-12 (Fla. May 28, 2026) (effective June 15, 2026), *available at:* https://www.circuit5.org/wp-content/uploads/2026/06/aosc26-12.pdf (last visited on Oct. 03, 2026).

9. Courts and Tribunals Judiciary of England and Wales, Artificial Intelligence (AI) Judicial Guidance (Oct. 2025), *available at:* https://www.judiciary.uk/guidance-and-resources/artificial-intelligence-ai-judicial-guidance-october-2025/ (last visited on Sep. 18, 2026).

10. Courts and Tribunals Judiciary of England and Wales, Position Statement on the Judicial Use of Artificial Intelligence (AI) (Oct. 9, 2026), *available at:* https://www.judiciary.uk/guidance-and-resources/position-statement-on-the-judicial-use-of-artificial-intelligence-ai/ (last visited on Oct. 10, 2026).

11. Supreme Court of Singapore, Registrar's Circular No. 1 of 2024, Guide on the Use of Generative Artificial Intelligence Tools by Court Users (effective Oct. 1, 2024), *available at:* https://www.judiciary.gov.sg/docs/default-source/news-and-resources-docs/guide-on-the-use-of-generative-ai-tools-by-court-users.pdf?sfvrsn=3900c814_1 (last visited on Sep. 15, 2026).

12. Federal Court of Australia, Use of Generative Artificial Intelligence Practice Note (GPN-AI) (Apr. 16, 2026), *available at:* https://www.fedcourt.gov.au/law-and-practice/practice-documents/practice-notes/gpn-ai (last visited on Aug. 05, 2026).

13. Canadian Judicial Council, Guidelines for the Use of Artificial Intelligence in Canadian Courts (1st ed. Sept. 2024), *available at:* https://cjc-

ccm.ca/en/resources-center/publications/guidelines-use-artificial-intelligence-canadian-courts (last visited on Oct. 03, 2026).

14. Conselho Nacional de Justiça, Resolução No. 615, de 11 de março de 2025 (Braz.) (English translation), *available at:* https://rm.coe.int/resolution-6152025/1680b51b66 (last visited on Oct. 06, 2026).
15. Conselho Nacional de Justiça, Resolução No. 674, de 25 de março de 2026 (Braz.), *available at:* https://atos.cnj.jus.br/atos/detalhar/6836 (last visited on Sep. 21, 2026).
16. The Constitution of the Federative Republic of Brazil, 1988, art. 103-B.

E. Submissions, Reports and Articles

1. "Gujarat HC Releases AI Policy Barring Court Decisions, Reasoning, Orders" MediaNama (Apr. 2026), *available at:* https://www.medianama.com/2026/04/223-gujarat-hc-releases-ai-policy-barring-court-decisions-reasoning-orders/ (last visited on Sep. 21, 2026).
2. "SC to Launch AI Reforms to Remove Human Intervention in Administrative Tasks" Siasat Daily (Mar. 13, 2026), *available at:* https://www.siasat.com/sc-to-launch-ai-reforms-to-remove-human-intervention-in-administrative-tasks-3434272/ (last visited on Aug. 23, 2026).
3. "SCAORA Seeks Removal of Mandatory AI Disclosure Requirement for Lawyers in Supreme Court Draft Regulations" Bar & Bench (July 2026), *available at:* https://www.barandbench.com/news/scaora-seeks-removal-of-mandatory-ai-disclosure-requirement-for-lawyers-in-supreme-court-draft-regulations (last visited on Oct. 01, 2026).
4. "Use of AI-Generated Fake Judgments: Supreme Court Urges BCI to Form Expert Panel to Examine Issue" LiveLaw (May 5, 2026), *available at:* https://www.livelaw.in/top-stories/use-of-ai-generated-fake-judgments-

supreme-court-urges-bci-to-form-expert-panel-to-examine-issue-533023 (last visited on Nov. 02, 2026).

5. DAKSH and Digital Futures Lab (for UNDP), AI for Justice: Ethical, Fair and Robust Adoption in India's Courts (Feb. 2026).
6. Department of Electronics and Information Technology, Government of India, GI Cloud (MeghRaj) Strategic Direction Paper (Apr. 2013), *available at:* https://www.meity.gov.in/content/gi-cloud-meghraj (last visited on Oct. 10, 2026).
7. Nipun Dave, "Is the Supreme Court Overstepping on Its Draft AI Regulations, 2026?" LiveLaw (June 14, 2026), *available at:* https://www.livelaw.in/articles/draft-ai-rules-apply-high-courts-537713 (last visited on Sep. 10, 2026).
8. Anuradha Gandhi and Nihit Nagpal, "Use of Artificial Intelligence (AI) in Courts" Legal 500 (Sept. 10, 2026), *available at:* https://www.legal500.com/intelligence/india/technology/use-of-artificial-intelligence-(ai)-in-courts (last visited on Oct. 05, 2026).
9. Virag Gupta, "Supreme Court Extends Consultation on AI Rules for Courts: What the Draft Proposes" The Week (June 29, 2026), *available at:* https://www.theweek.in/news/india/2026/06/29/supreme-court-extends-consultation-on-ai-rules-for-courts-what-the-draft-proposes.html (last visited on Sept. 07, 2026).
10. Internet Freedom Foundation, "IFF's Comments on the Draft Regulations on the Use of AI in Courts, 2026" (July 15, 2026), *available at:* https://internetfreedom.in/iffs-comments-on-the-draft-regulations-on-the-use-of-ai-in-courts-2026/ (last visited on Sept. 19, 2026).
11. Abhishek Jebaraj, "Finding the Next Date" LiveLaw, *available at:* https://www.livelaw.in/articles/finding-next-date-531231 (last visited on Oct. 09, 2026).

12. Khadija Khan, "SC's AI draft rules: SC lawyers' body seeks transparency, Muslim law board flags 'historical bias'" ThePrint (July 24, 2026), *available at:* https://theprint.in/judiciary/scs-ai-draft-rules-sc-lawyers-body-seeks-transparency-muslim-law-board-flags-historical-bias/2995465/ (last visited on Aug. 21, 2026).

13. M.G. Kodandaram, "Implications of the DPDP Act, 2023 and Rules, 2025 on the Draft 'Regulations for Use of Artificial Intelligence in Courts, 2026'" Naavi.org (June 14, 2026), *available at:* https://www.naavi.org/wp/implications-of-the-dpdp-act-2023-and-rules-2025-on-the-draft-regulations-for-use-of-artificial-intelligence-in-courts-2026-mr-m-g-kodandaram/ (last visited on Aug. 11, 2026).

14. Lok Sabha, Unstarred Question No. 4289, "Implementation of AI Tools in Judiciary", answered on Dec. 20, 2024, *available at:* https://eparlib.sansad.in/bitstream/123456789/2987304/1/AU4289_Fw8Rzx.pdf (last visited on Nov. 02, 2026).

15. Lok Sabha, Unstarred Question No. 848, "Use of Artificial Intelligence for Reducing Pendency of Cases", answered on Feb. 7, 2025, *available at:* https://eparlib.sansad.in/bitstream/123456789/2988406/1/AU848_sDjJfM.pdf (last visited on Nov. 02, 2026).

16. Varun Mehta and Ashirbad Nayak, "Regulating Artificial Intelligence in Indian Judiciary: From Institutional Experimentation to a National Framework" LiveLaw (June 11, 2026), *available at:* https://www.livelaw.in/articles/regulating-artificial-intelligence-indian-judiciary-537485 (last visited on Sep. 23, 2026).

17. Press Information Bureau, Ministry of Law and Justice, "Cabinet Approves eCourts Phase III for 4 Years" (Sept. 13, 2023), *available at:* https://www.pmindia.gov.in/?p=16276489 (last visited on Aug. 27, 2026).

18. Public Collective for Avoidance and Resolution of Disputes (PUCAR), Comments on the Draft Regulations for Use of Artificial Intelligence in

Courts, 2026 (July 2026), *available at:* https://pucar.org/assets/pucar-sc-ai-comments-2026.pdf (last visited on Sept. 10, 2026).

19. Software Freedom Law Center, India, "SFLC.in's Comments on the draft 'Regulations for Use of Artificial Intelligence (AI) in Courts, 2026'" (July 15, 2026), *available at:* https://sflc.in/sflc-ins-comments-on-the-draft-regulations-for-use-of-artificial-intelligence-ai-in-courts-2026/ (last visited on Sept. 18, 2026).
20. Study Group on Regulations for Use of AI in Courts, Centre for the Study of Law and Governance, Jawaharlal Nehru University, Comments and Suggestions on the Draft Regulations for Use of Artificial Intelligence (AI) in Courts, 2026, *available at:* https://www.jnu.ac.in/sites/default/files/cslg/Report_AI_Committee.pdf (last visited on Sep. 01, 2026).

F. Technical Literature

1. Nicholas Carlini et al., "Extracting Training Data from Large Language Models" in 30th USENIX Security Symposium 2633 (2021), *available at:* https://www.usenix.org/system/files/sec21-carlini-extracting.pdf (last visited on Aug. 11, 2026).
2. Matthew Dahl et al., "Large Legal Fictions: Profiling Legal Hallucinations in Large Language Models" 16 Journal of Legal Analysis 64 (2024).
3. Birte Englich, Thomas Mussweiler and Fritz Strack, "Playing Dice with Criminal Sentences: The Influence of Irrelevant Anchors on Experts' Judicial Decision Making" 32 Personality and Social Psychology Bulletin 188 (2006).
4. Ben Green, "The Flaws of Policies Requiring Human Oversight of Government Algorithms" 45 Computer Law and Security Review 105681 (2022), *available at:* https://www.sciencedirect.com/science/article/pii/S0267364922000292 (last visited on Oct. 08, 2026).

5. Abhinav Joshi et al., "IL-TUR: Benchmark for Indian Legal Text Understanding and Reasoning" in Proceedings of the 62nd Annual Meeting of the Association for Computational Linguistics (Volume 1: Long Papers) 11460 (2024), *available at:* https://aclanthology.org/2024.acl-long.618/ (last visited on Sep. 13, 2026).

6. Varun Magesh et al., "Hallucination-Free? Assessing the Reliability of Leading AI Legal Research Tools" 22 Journal of Empirical Legal Studies 216 (2025).

7. Linda J. Skitka, Kathleen L. Mosier and Mark Burdick, "Does Automation Bias Decision-Making?" 51 International Journal of Human-Computer Studies 991 (1999).

8. Miles Turpin et al., "Language Models Don't Always Say What They Think: Unfaithful Explanations in Chain-of-Thought Prompting" arXiv preprint arXiv:2305.04388 (2023).