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ARTIFICIAL INTELLIGENCE AND ACCESS TO JUSTICE IN INDIA: OPPORTUNITIES, CHALLENGES AND CONSTITUTIONAL SAFEGUARDS

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I. ABSTRACT

Access to justice is a fundamental component of the rule of law and requires justice systems to be accessible, affordable, timely, fair and non-discriminatory. Despite the existence of formal legal institutions, individuals continue to encounter significant barriers arising from the cost of legal services, procedural complexity, delays, geographical constraints, inadequate legal awareness and limited access to legal assistance. In this context, Artificial Intelligence (AI) is increasingly emerging as a technological tool capable of transforming the manner in which legal information, assistance and justice services are delivered. AI-enabled legal research, automated translation and transcription, case-management systems, online dispute resolution and chatbot-based legal assistance may facilitate greater accessibility and efficiency within justice systems. However, the integration of AI into justice delivery also presents substantial legal and ethical concerns. Algorithmic bias, inaccurate or fabricated outputs, inadequate transparency, privacy risks, digital exclusion and difficulties in assigning responsibility for AI-generated outcomes may adversely affect equality, due process and public confidence in judicial institutions. These concerns are particularly significant in developing justice systems, where technological inequalities may create new barriers for individuals who are already disadvantaged. This research examines the potential of AI to strengthen access to justice while critically analysing the risks associated with its deployment in legal and judicial processes. It explores whether AI can contribute to a more inclusive and efficient justice system without compromising fundamental rights, judicial independence and procedural fairness. The paper further considers the need for a human-centred and rights-based regulatory framework that places transparency, accountability, human oversight, privacy and non-discrimination at the centre of AI-assisted justice delivery. The study argues that AI should function as a supportive

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instrument within the justice system rather than replace human legal judgment and institutional accountability.

II. KEYWORDS

Artificial Intelligence; Access to Justice; Rule of Law; Legal Aid; Digital Justice.

III. INTRODUCTION

Access to justice constitutes an essential element of the rule of law because the effectiveness of legal rights ultimately depends upon the ability of individuals to invoke and enforce them. A legal system cannot provide meaningful protection where individuals are unable to approach appropriate institutions, obtain remedies for violations, contest discriminatory treatment, or require public authorities and other decision-makers to account for their actions. Consequently, access to justice extends beyond the mere existence of courts and encompasses the practical ability of individuals to participate in justice processes and secure effective and equitable remedies.

The United Nations has recognised equal access to justice as an important component of the rule of law, with particular emphasis on persons and communities facing vulnerability or marginalisation. In the Declaration of the High-level Meeting of the General Assembly on the Rule of Law, Member States reaffirmed the importance of ensuring justice services that are fair, transparent, effective, non-discriminatory and accountable. Such an approach places an obligation on justice systems not merely to remain formally available, but also to function in a manner that enables individuals from different social and economic backgrounds to obtain meaningful legal protection.

The quality of justice is equally dependent upon the impartiality and independence of the institutions responsible for administering it. Judicial independence, integrity and impartiality are therefore closely connected with the principle of non-discrimination. The United Nations has emphasised that an independent and impartial judiciary is fundamental to maintaining confidence in the justice system and ensuring that the administration of justice does not operate in a discriminatory manner. These

principles become particularly significant where individuals belong to disadvantaged groups or lack the resources necessary to effectively navigate complex legal institutions.

Efforts to improve access to justice consequently involve reforms that extend beyond the courtroom. The United Nations supports justice-sector initiatives directed towards strengthening legal protection, increasing public awareness of legal rights, expanding legal-aid services and empowering disadvantaged persons to seek appropriate remedies. Such initiatives also address institutional problems within justice systems, including excessive delays, prolonged pre-trial detention, abusive treatment, inadequate prison conditions and failures to hold perpetrators accountable for serious violations. Attention is also given to strengthening the relationship between formal justice institutions and legitimate informal mechanisms for resolving disputes.

Legal aid is particularly important in this context because the financial cost and complexity of legal proceedings can prevent individuals from effectively asserting their rights. The United Nations therefore treats legal aid as an important component of broader strategies aimed at improving access to justice. Support in this area includes strengthening national legal-aid frameworks, developing the institutional capacity of legal-aid providers, increasing public legal awareness and promoting legal-aid clinics and outreach initiatives. Such measures are especially relevant for individuals and communities who experience economic, social or other forms of disadvantage.

The concept of access to justice should, therefore, not be understood narrowly as the ability to enter a courtroom or obtain legal representation. It also encompasses the capacity of individuals to understand their rights, identify available remedies, navigate relevant institutions and ultimately obtain a fair and effective outcome. The United Nations Development Programme (UNDP) adopts a broad, people-centred understanding of justice, recognising that formal courts constitute only one avenue through which individuals may seek remedies. Its approach gives importance to the accessibility, fairness and effectiveness of both formal and non-formal justice

mechanisms, particularly for persons who are marginalised or otherwise excluded from conventional justice systems.

From this perspective, meaningful access to justice involves several interconnected dimensions, including the availability of appropriate justice institutions, the quality and accessibility of legal assistance, individuals' capacity to understand and exercise their legal rights, and the fairness of the outcomes produced by justice processes. Accordingly, a justice system cannot be considered genuinely accessible merely because legal institutions exist. Accessibility must also be assessed in terms of affordability, timeliness, equality, procedural fairness and the ability of individuals to obtain remedies that are consistent with human rights standards.

This broader understanding of access to justice provides an important foundation for examining the role of emerging technologies, including Artificial Intelligence. If appropriately designed and regulated, AI-based tools may assist individuals in obtaining legal information, identifying possible remedies, navigating legal procedures and accessing certain legal services. At the same time, the use of AI within justice systems raises questions concerning accuracy, discrimination, privacy, transparency, accountability and human oversight. The potential contribution of AI to access to justice must therefore be assessed not merely by its capacity to increase efficiency, but by whether its use advances equality, fairness and meaningful participation in the justice process.

A. Research Problem

The increasing use of Artificial Intelligence in legal research, court administration, translation, transcription and other justice-related functions presents a central legal problem: whether technological assistance can improve access to justice without weakening constitutional guarantees governing equality, fairness, privacy, reasoned decision-making and judicial accountability.

Indian scholarship and institutional literature on AI and the judiciary are developing rapidly; this paper contributes to that discussion by bringing questions of access to justice, constitutional safeguards and emerging judicial technology policy within a focused doctrinal framework. The research problem is therefore to determine the

constitutional conditions under which AI may assist justice delivery while remaining consistent with Articles 14 and 21, the rule of law, natural justice, judicial independence and meaningful human oversight.

B. Research Objectives

1. To examine the potential of Artificial Intelligence to improve accessibility, efficiency and availability of legal and judicial services in India.
2. To analyse the constitutional implications of AI-assisted justice delivery with particular reference to Articles 14 and 21, the rule of law, natural justice and the right to a fair trial.
3. To examine the principal risks associated with judicial use of AI, including algorithmic bias, inaccurate or fabricated outputs, opacity, privacy concerns, digital exclusion and difficulties of accountability.
4. To evaluate the adequacy of existing judicial and policy approaches and identify safeguards necessary for the responsible, human-centred use of AI in the Indian justice system.

C. Research Questions

1. To what extent can AI-enabled legal and judicial services advance access to justice while remaining consistent with the requirements of fair, just and reasonable procedure under Article 21 of the Constitution of India?
2. What safeguards do Articles 14 and 21, the rule of law, natural justice and judicial independence require when Artificial Intelligence is used in judicial administration or materially assists adjudicatory processes?
3. Do the existing judicial and executive policy instruments governing technological and AI-assisted justice adequately address concerns relating to accuracy, transparency, non-discrimination, privacy, accountability and meaningful human oversight?

D. Research Methodology

This study adopts a doctrinal legal research methodology. It analyses primary legal materials comprising relevant provisions of the Constitution of India, particularly Articles 14 and 21; decisions of the Supreme Court concerning equality, non-

arbitrariness, procedural fairness, privacy, natural justice, reasoned decision-making and the use of Artificial Intelligence in adjudication; and official judicial and governmental materials concerning the digital transformation of Indian courts, including the e-Courts framework and related policy documents.

The study also relies upon secondary sources, including United Nations and United Nations Development Programme reports on access to justice and responsible AI, together with relevant academic scholarship on Artificial Intelligence, judicial administration and legal technology.

These materials are examined qualitatively to assess the opportunities and risks of AI against constitutional standards of fairness, equality, transparency, accountability, privacy, judicial independence and human oversight. The research is doctrinal and normative in character and does not undertake empirical testing of AI systems or quantitative assessment of their performance.

IV. RULE OF LAW IN THE INDIAN CONSTITUTIONAL FRAMEWORK

The doctrine of the rule of law occupies a central position within the Indian constitutional framework. Although the expression “rule of law” is not expressly defined as a standalone provision in the Constitution of India, the Supreme Court has progressively developed its content through constitutional interpretation. The doctrine has been recognised as an essential feature of the Constitution and as an element of the basic structure doctrine. Consequently, Parliament's power of constitutional amendment cannot be exercised in a manner that destroys the foundational principles embodied in the rule of law.

The Indian understanding of the rule of law is closely connected with the principles of natural justice, equality, non-arbitrariness and procedural fairness. In particular, Article 14 has evolved beyond the narrow prohibition of discriminatory treatment. Judicial interpretation has established that State action must also satisfy standards of reasonableness and non-arbitrariness. Thus, constitutional scrutiny may extend to the

substance as well as the procedure adopted by the State, particularly where governmental action is alleged to be arbitrary, unreasonable or unfair.

The constitutional significance of personal liberty provides another important dimension to the rule of law. This issue arose prominently during the Emergency in *ADM Jabalpur v Shivkant Shukla*, where the Supreme Court considered whether an individual could claim protection of life and personal liberty in circumstances where the enforcement of Article 21 had been suspended. The majority adopted a restrictive approach and concluded that, during the operation of the Presidential Order, no judicial remedy was available for enforcement of the right to personal liberty. Justice H.R. Khanna dissented. He maintained that the protection of life and liberty could not be regarded as dependent entirely upon Article 21 and that State authority to deprive an individual of life or liberty must have a basis in law.

The significance of Justice Khanna's dissent has subsequently been reinforced by the Supreme Court's later constitutional jurisprudence. In *K.S. Puttaswamy v Union of India*, a nine-judge Bench expressly recognised that the majority judgment in *ADM Jabalpur* was erroneous and overruled it. The development demonstrates that the rule of law cannot be reduced to the formal existence of enacted law; it also incorporates constitutional limitations upon the exercise of State power and protection of individual liberty.

The Supreme Court provided a more nuanced exposition of the doctrine in *K.T. Plantation Pvt. Ltd. v State of Karnataka*. The Court observed that the rule of law does not operate through a single, rigid substantive formula. Rather, it encompasses several constitutional values, including natural justice, non-arbitrariness, reasonableness and proportionality. Nevertheless, the mere existence of procedural unfairness or an unreasonable feature in legislation does not automatically render a statute unconstitutional. The alleged violation must be sufficiently serious to undermine the constitutional structure or the democratic principles underlying the rule of law.

The Court further recognised that legislation carries a presumption of constitutionality. Therefore, constitutional review cannot be based solely upon a judicial perception that a particular legislative measure is undesirable, unfair or

unreasonable. The constitutional court must determine whether the legislation crosses the threshold of a violation of a constitutionally protected principle. In this sense, the rule of law functions both as a limitation on governmental power and as a constitutional standard through which exceptionally serious violations may be examined.

Importantly, *K.T. Plantation* also clarifies that natural justice, arbitrariness, proportionality and reasonableness are relevant to the rule of law, but their violation does not invariably result in the invalidation of legislation. The constitutional significance of the violation depends upon its nature, extent and consequences. Where State action is so fundamentally inconsistent with the constitutional structure that it undermines the rule of law itself, constitutional courts possess the authority to intervene.

Thus, the Indian conception of the rule of law represents a balance between legislative authority and constitutional supremacy. Parliament possesses extensive legislative power, but that power remains subject to the Constitution and its basic structural limitations. The rule of law consequently serves as an overarching constitutional principle requiring governmental action to remain within legally prescribed limits and preventing the exercise of public power from becoming arbitrary or destructive of constitutional democracy.

This understanding is particularly relevant to contemporary developments in Artificial Intelligence and justice delivery. As AI-assisted systems increasingly become capable of influencing legal research, case management, legal assistance and other aspects of justice administration, their deployment must remain consistent with the constitutional requirements of equality, non-arbitrariness, procedural fairness, transparency and accountability. An AI-enabled justice system may therefore be assessed not merely according to its efficiency, but also according to whether its operation is compatible with the rule of law and the constitutional protection of individual rights.

V. ARTIFICIAL INTELLIGENCE AND THE INDIAN LEGAL PROFESSION

Artificial Intelligence (AI) is increasingly influencing the legal profession by assisting with legal research, document drafting, case management and access to legal information. AI-based tools can reduce repetitive work, save time and potentially lower the cost of legal services. In India, where delays, high litigation costs and limited access to legal assistance remain important barriers to justice, such technologies may have particular significance. However, AI should be viewed as a tool supporting lawyers and courts rather than as a complete substitute for human legal judgment.

International developments illustrate both the possibilities and limitations of early AI-based legal services. ROSS, an AI-assisted legal research platform developed using IBM Watson technology, was adopted by BakerHostetler in 2016 for bankruptcy-related legal research. However, ROSS Intelligence announced in December 2020 that it would cease operations, and its platform became unavailable from 31 January 2021 after ongoing litigation with Thomson Reuters affected its ability to secure further funding.

ROSS should therefore be understood as an important early experiment in AI-assisted legal research rather than as a presently operational legal technology. Another early example is LISA (Legal Intelligence Support Assistant), launched in November 2016 to assist users in preparing and negotiating non-disclosure agreements. These initiatives illustrate the potential of AI to support relatively standardised legal tasks, while also demonstrating the need to evaluate legal technologies in light of their continuing operation, accuracy, sustainability and regulatory accountability.

In the Indian context, the use of AI is increasingly relevant to the technological modernisation of the justice system, although different initiatives remain at different stages of implementation. The Supreme Court Portal for Assistance in Court Efficiency (SUPACE) was launched on 6 April 2021 as an AI-assisted legal research initiative intended to assist judges in analysing case materials and identifying relevant precedents. However, according to the Government's reply to Rajya Sabha Unstarred Question No 2356 on 20 March 2025, SUPACE remained at an experimental stage of

development, and the Government expressly stated that no AI or machine-learning tool was being used by the Supreme Court in judicial decision-making. Other AI-enabled tools have entered operational use. The Supreme Court Vidhik Anuvaad Software (SUVAS), introduced on 26 November 2019, is used to assist translation of judicial documents, orders and judgments into Indian languages, subject to human verification.

In Kerala, the High Court subsequently directed the use of Adalat.AI as the primary speech-to-text tool for recording witness depositions in subordinate courts with effect from 1 November 2025. These developments demonstrate that AI is increasingly being used for supportive functions such as translation, transcription and legal research, while judicial decision-making continues to remain subject to human authority, verification and accountability.

AI may also contribute to access to justice by helping citizens understand legal procedures, locate relevant legal information and overcome language barriers. This is particularly important in India because of its linguistic diversity and the large number of people who may lack professional legal assistance.

VI. CHALLENGES OF AI IN THE INDIAN LEGAL SYSTEM

Despite these benefits, the use of AI raises significant constitutional and legal concerns. Algorithmic bias may result in discriminatory outcomes, which would be particularly problematic under Article 14 of the Constitution, which guarantees equality before the law and equal protection of the laws. AI systems trained on biased or incomplete data may unintentionally reproduce existing inequalities.

Accuracy is another major concern. Generative AI may produce incorrect legal propositions or fabricated case citations. Therefore, lawyers and judges must independently verify AI-generated information before relying upon it. Human supervision remains essential because legal decisions involve interpretation, ethical judgment and responsibility.

The experience of DoNotPay further illustrates the risks associated with overstating the capabilities of AI-based legal services. DoNotPay marketed its service as the

“world's first robot lawyer” and represented it as capable of performing functions comparable to those of a human lawyer. The United States Federal Trade Commission subsequently alleged that the company had not adequately tested whether its law-related services performed at the level of a human lawyer and had not retained attorneys to evaluate the accuracy and quality of those services.

In a final order announced on 11 February 2025, the FTC required DoNotPay to pay US\$193,000 and prohibited it from making unsubstantiated claims that its service could substitute for professional legal services. The episode demonstrates that AI-based legal assistance must be accompanied by accurate representations of technological capability, independent verification and effective regulatory accountability.

Privacy and data protection are equally important. Courts and lawyers handle sensitive personal and case-related information. The use of AI must therefore comply with applicable privacy and data-protection principles. The Supreme Court's decision in *K.S. Puttaswamy v Union of India* recognised privacy as a fundamental right under the Constitution, making responsible handling of legal data particularly important.

There is also a risk of a digital divide. Individuals without reliable internet access, digital literacy or technological resources may not benefit equally from AI-based legal services. Consequently, AI should supplement not replace traditional legal aid, courts and human legal professionals.

VII. TECHNOLOGY, ARTIFICIAL INTELLIGENCE AND EFFICIENCY IN THE INDIAN JUSTICE SYSTEM

The integration of digital technology and Artificial Intelligence (AI) into the justice system can substantially improve the efficiency, accessibility and cost-effectiveness of judicial administration. Digitisation reduces dependence on physical records, facilitates the electronic transfer of documents and enables courts to retrieve information more quickly. This is particularly significant in India, where courts deal with large volumes of records and prolonged litigation. AI-assisted systems can further support judges and lawyers by organising case materials, summarising

lengthy documents, identifying relevant precedents and retrieving statutory and case-law information. Such applications can reduce administrative burdens and allow greater attention to substantive legal issues.

Digital technology can also simplify several stages of litigation, including e-filing, electronic service of notices, scheduling, case tracking, virtual hearings and online payment of court fees and fines. Automated systems can assist in monitoring procedural deadlines and maintaining case records. In appropriate categories of disputes, technology may also facilitate early settlement by helping parties assess relevant facts and calculate compensation. This is particularly relevant to routine matters such as traffic offences and certain motor-vehicle claims, where standardised procedures may reduce unnecessary litigation. India's Virtual Courts already provide online adjudication for traffic challans and certain petty offences.

A. E-Courts and Digital Transformation of the Indian Judiciary

India's principal institutional initiative for judicial digitisation is the e-Courts Mission Mode Project, implemented under the supervision of the e-Committee of the Supreme Court of India. The project seeks to use technology to make judicial services more accessible, transparent, affordable and efficient. Its development has progressed through successive phases, moving from basic computerisation towards citizen-oriented digital services and, subsequently, intelligent and integrated digital infrastructure.

Phase I concentrated primarily on establishing the basic technological infrastructure of courts. Phase II (2015–2023) expanded digital services through systems such as the Case Information System (CIS), the National Judicial Data Grid (NJDG), e-filing, e-payment, video conferencing and e-Sewa Kendras. The NJDG functions as a national repository of judicial data and enables users to access information concerning cases and court performance. These developments have significantly reduced dependence on physical court records and improved access to case-related information.

Phase III (2023–2027) represents a further shift towards digital and paperless courts. With a financial outlay of ₹7,210 crore, it envisages digitisation of legacy and current records, wider use of video conferencing, expansion of e-filing and e-payment

facilities, cloud-based storage and the deployment of emerging technologies such as Artificial Intelligence, Machine Learning and Optical Character Recognition (OCR) for judicial and administrative purposes. It also seeks to create a more integrated technological platform connecting courts, litigants and other justice-sector institutions.

An important component of this transformation is the development of interoperable digital systems that facilitate information exchange among institutions such as the police, prisons and courts. Digital repositories and machine-readable records can reduce duplication and make relevant information available more efficiently. AI-enabled tools may additionally assist with case classification, document analysis, scheduling and retrieval of relevant information. These technologies, however, should function as decision-support mechanisms and not as substitutes for judicial discretion or constitutional adjudication.

The use of technology has also expanded access to justice through virtual hearings and online court services. Virtual Courts permit certain categories of cases, particularly traffic challans, to be dealt with electronically without requiring the physical presence of litigants or lawyers. Similarly, e-Sewa Kendras provides assistance to users who may require support in accessing digital court services. These mechanisms are especially relevant to litigants who face geographical, financial or procedural barriers in accessing courts.

B. Technology and Access to Justice in India

The Indian experience demonstrates that digitalisation can contribute to access to justice by reducing procedural delays, travel requirements, paperwork and information barriers. The e-Courts framework has therefore moved beyond mere computerisation towards the broader objective of creating a citizen-centric, accessible and technology-enabled justice system.

At the same time, technological transformation must take account of India's digital divide. Differences in internet connectivity, digital literacy and access to technological resources may prevent some sections of society from benefiting equally from digital justice mechanisms. Consequently, technological innovation must be accompanied by

human assistance, accessible service centres, adequate infrastructure and safeguards for vulnerable litigants.

AI should similarly be introduced with appropriate safeguards relating to accuracy, transparency, privacy, cybersecurity, accountability and human oversight. The ultimate objective should not be the replacement of judges or lawyers but the use of technology to make the justice system more efficient, accessible, reliable and responsive while preserving the principles of natural justice and judicial independence.

VIII. ARTIFICIAL INTELLIGENCE AND THE RIGHT TO A FAIR TRIAL IN INDIA

The integration of Artificial Intelligence (AI) into the Indian justice system must remain consistent with constitutional guarantees and the principles of natural justice. Although AI can assist courts by improving legal research, document analysis, translation, case management and access to information, its use in adjudication raises important questions concerning fair trial, equality, judicial independence, transparency and the right to receive a reasoned decision.

In India, the right to a fair trial is primarily protected through Article 21 of the Constitution, which guarantees life and personal liberty. The Supreme Court has repeatedly held that the procedure affecting these rights must be fair, just and reasonable. In *Maneka Gandhi v Union of India*, the Court significantly expanded the meaning of Article 21 by holding that State procedures affecting personal liberty cannot be arbitrary or oppressive. The Court has subsequently recognised a fair and impartial trial as an essential component of Article 21. In *Zahira Habibulla H Sheikh v State of Gujarat*, the Supreme Court observed that a fair trial protects not merely the accused but also the victim and the interests of society.

The constitutional requirement of fairness is also closely connected with Article 14, which prohibits arbitrary State action and guarantees equality before the law. An AI system used in judicial administration must therefore not operate in a manner that produces discriminatory or arbitrary outcomes. Where an algorithm influences access

to legal services, case processing, bail assessment, sentencing support or other aspects of the justice process, safeguards must be established to ensure that similarly situated persons are not treated differently on the basis of impermissible factors.

A. AI, Judicial Independence and the Rule of Law

The use of AI in adjudication raises a fundamental question: who remains responsible for the judicial decision? Judicial power under the Indian Constitution cannot simply be transferred to an algorithm. Judges are constitutionally entrusted with the responsibility of applying law to facts and providing reasons for their conclusions. AI may assist this process, but the ultimate decision must remain with a human judicial authority.

This principle is particularly important because many AI systems, especially complex machine-learning models, may produce outputs without providing reasoning that can be readily understood or independently examined by the parties. Such opacity can conflict with the requirement that judicial decisions be based on identifiable legal and factual reasons.

The Supreme Court has consistently emphasised the importance of reasoned decisions. In *Kranti Associates Pvt Ltd v Masood Ahmed Khan*, the Court explained that recording reasons restrains arbitrary exercise of power and demonstrates that relevant considerations have been properly examined. Therefore, if AI is used as part of judicial decision-making, its output cannot itself constitute an adequate substitute for judicial reasoning. A judge must independently evaluate the material and provide legally intelligible reasons for the decision.

B. Emerging Indian Regulatory and Policy Framework for AI in the Judiciary

The requirement of meaningful human control over Artificial Intelligence in judicial processes has increasingly received institutional recognition in India. A significant development was the Policy Regarding Use of Artificial Intelligence Tools in District Judiciary, issued by the High Court of Kerala through an Official Memorandum dated 19 July 2025. The Policy applies to judicial officers and staff of the District Judiciary in Kerala and requires strict compliance. It permits AI only as an assistive tool under

human supervision and prohibits its use as a substitute for judicial decision-making or legal reasoning, including for arriving at findings, determining reliefs, or preparing orders and judgments. It further requires verification of AI-generated outputs, maintenance of records concerning AI use, protection of confidential information and appropriate training of judicial personnel. The Kerala framework is therefore significant because it converts the general principle of human oversight into specific administrative obligations within the judiciary.

At the national level, the India AI Governance Guidelines, released by the Ministry of Electronics and Information Technology on 5 November 2025, establish a broader framework for responsible AI governance. The Guidelines emphasise principles including “People First”, fairness and equity, accountability, understandable AI design, safety and appropriate human oversight. They adopt a risk-based and proportionate approach and generally rely upon existing legal frameworks and sectoral regulators rather than creating a separate comprehensive statutory AI regime. Consequently, although the Guidelines are relevant to the deployment of AI in public institutions, they do not themselves establish binding judicial procedures governing the manner in which judges or courts may use AI.

A more judiciary-specific framework is contained in the White Paper on Artificial Intelligence and Judiciary, published by the Supreme Court of India's Centre for Research and Planning in November 2025. The White Paper recognises the potential of AI in legal research, translation, transcription, case management and other judicial functions, while identifying risks relating to hallucinations, algorithmic bias, privacy, confidentiality and excessive reliance upon automated outputs.

Significantly, it treats human-in-the-loop decision-making, accuracy and verification, fairness, confidentiality and institutional oversight as central principles of responsible judicial AI. It also recommends institutional safeguards, disclosure requirements, training and structured policies governing AI use. The White Paper is a policy and research document rather than a binding rule of court, but it provides an important normative foundation for the development of judicial AI governance in India.

These principles were subsequently developed into a more detailed regulatory proposal through the draft Regulations for Use of Artificial Intelligence in Courts, 2026, published under the aegis of the Supreme Court's Artificial Intelligence Committee by notice dated 3 June 2026. Regulation 4 expressly provides that the use of AI in court processes must remain strictly subordinate to human judgment and judicial authority and that ultimate authority over questions of law, fact and justice must remain with judicial officers. Regulation 8 further places accountability for an AI-assisted decision exclusively upon the officer concerned and prevents reliance upon algorithmic opacity or hallucination as a means of avoiding responsibility. AI-generated information is to remain advisory and subject to verification.

The draft Regulations also attempt to operationalise transparency and accountability. They contemplate Technical and Ethical Impact Assessments before approval of AI systems, AI Registers, periodic technical, legal and ethical audits, incident reporting and fall-back mechanisms. Regulation 43 requires disclosure where AI materially assists court processes and also requires a party or legal representative to disclose the AI-assisted character of documents, pleadings or evidence submitted to a court. The framework additionally provides for structured training under Regulation 49 and grievance redressal under Regulation 52. These provisions represent a movement from general ethical principles towards identifiable institutional duties capable of being applied throughout court administration.

The constitutional significance of these measures may be understood through Articles 14 and 21. Human control and verification reduce the risk of arbitrary decision-making; safeguards against bias and discriminatory outputs reinforce equality and non-arbitrariness under Article 14; while transparency, disclosure, explainability and opportunities to challenge erroneous AI outputs support the requirements of fair, just and reasonable procedure associated with Article 21.

Nevertheless, important gaps remain. The Kerala Policy is limited to the District Judiciary within its institutional jurisdiction, the Supreme Court White Paper and the India AI Governance Guidelines do not themselves create generally enforceable judicial obligations, and the Supreme Court Regulations had not yet acquired final

binding status. As of 30 September 2026, the Supreme Court's official notices page continued to identify them as draft Regulations, following the public consultation initiated on 3 June 2026 and subsequently extended.

Accordingly, the emerging Indian framework demonstrates substantial progress towards rights-based judicial AI governance, but uniform and enforceable standards remain necessary. Any final framework should preserve human judicial authority, ensure independent verification of AI-generated material, provide transparency where AI materially affects proceedings, require systematic assessment and auditing of judicial AI systems, protect personal and confidential data, and guarantee an effective means of challenging technological errors. These safeguards are necessary to ensure that technological efficiency remains subordinate to equality, procedural fairness, judicial independence and the rule of law.

C. AI Hallucinations and the Integrity of Adjudication

The danger of relying upon inaccurate AI-generated legal information has recently received direct judicial recognition in India. In *Pooja Ramesh Singh v Jammu and Kashmir Bank Ltd*, the Supreme Court dealt with a case in which the NCLT had relied upon non-existent and AI-generated case-law material. The Supreme Court set aside the decisions of the NCLT and NCLAT and stressed that courts and advocates must verify AI-generated material before relying upon it. The Court emphasised that AI may be used in aid of adjudication, but human control over judicial decision-making must remain absolute.

This decision is particularly significant for the future regulation of AI in Indian courts. It demonstrates that technological efficiency cannot override the integrity of the judicial process. An AI-generated citation, statutory provision or legal proposition must therefore be independently checked against authoritative sources before it is relied upon in pleadings, judgments or orders.

D. Transparency, Explainability and Natural Justice

The principles of natural justice require, among other things, that a person affected by a decision should have a meaningful opportunity to understand and challenge the

basis of that decision. AI systems that materially influence judicial or administrative decisions should therefore operate with appropriate standards of transparency and explainability.

This does not necessarily require disclosure of every technical detail of an AI model. Rather, where an AI-generated assessment materially influences a legal decision, the parties should be able to understand the relevant factors considered and challenge erroneous or discriminatory inputs or outputs. Human review is particularly necessary where the consequences involve personal liberty, criminal liability, property rights or other significant legal interests.

The Supreme Court's jurisprudence on natural justice supports this approach. In *A.K. Kraipak v Union of India*, the Court recognised that the principles of natural justice are intended to prevent arbitrary decision-making and to secure fairness in administrative action. Similarly, the requirement of giving reasons, reinforced in *Kranti Associates*, provides an important safeguard against decisions that cannot be meaningfully scrutinised.

E. AI and the Future of Fair Trial in India

AI therefore presents both an opportunity and a constitutional challenge for the Indian justice system. Properly designed systems can reduce delays, assist legal research, improve access to information and support judicial administration. At the same time, unverified or opaque AI systems may introduce new forms of error, discrimination and arbitrariness.

The appropriate constitutional approach is consequently to treat AI as an assistive technology rather than an autonomous adjudicator. Its deployment should be accompanied by human oversight, verification of AI-generated material, protection of personal data, safeguards against algorithmic bias, transparency regarding significant automated processes and an effective mechanism for correcting technological errors.

The Indian constitutional framework ultimately requires that technological innovation remain subordinate to the rule of law, Articles 14 and 21, natural justice, judicial independence and the right to a fair trial. The objective of AI in the justice

system should therefore not merely be faster adjudication, but adjudication that remains fair, transparent, accountable and consistent with constitutional values.

IX. SUGGESTIONS AND RECOMMENDATIONS

The responsible use of Artificial Intelligence in the Indian justice system requires safeguards that translate constitutional principles and emerging judicial policies into concrete institutional duties. The following measures are therefore recommended:

- 1. Mandatory disclosure of AI use in court filings:** The Supreme Court and High Courts should prescribe a uniform requirement that advocates and parties disclose material use of generative AI in preparing pleadings, written submissions, evidence or other documents filed before courts. Such disclosure should identify the extent of AI assistance and include certification that legal authorities, factual propositions and citations have been independently verified. The Bar Council of India should complement this requirement through professional-conduct standards governing advocates. This would develop the disclosure mechanism already contemplated by Regulation 43 of the draft Regulations.
- 2. Maintenance of AI audit records:** The Supreme Court and High Courts should require every approved judicial AI system to be recorded in an institutional AI Register containing its purpose, scope of authorised use, responsible officers, audit history and reported incidents. Material uses of AI within court administration should remain traceable without compromising the confidentiality of judicial deliberations. Periodic technical, legal and ethical audits should also be mandatory. Such a framework would build upon the Kerala High Court's emphasis on maintaining records and the audit and AI Register requirements contemplated by Regulations 37–39 of the draft Regulations.
- 3. Pre-deployment rights-impact assessment:** The Supreme Court and respective High Courts should require a Technical and Ethical Impact Assessment before any AI system capable of materially affecting judicial or administrative processes is adopted. The assessment should specifically consider accuracy,

representativeness of data, algorithmic bias, privacy, cybersecurity, explainability, accessibility and the availability of effective human review. Where an AI tool may affect liberty, equality or other significant legal interests, its compatibility with Articles 14 and 21 should form an express part of the assessment. This proposal develops the pre-deployment assessment contemplated by Regulation 35 of the draft Regulations.

4. **Mandatory verification protocol for advocates and judicial officers:** The Bar Council of India should formulate professional standards requiring advocates to independently verify every AI-generated legal authority, quotation, statutory proposition and material factual assertion before relying upon it in court. Correspondingly, the Supreme Court and High Courts should require judicial officers to verify AI-assisted research or analysis against authoritative legal sources before it influences an order or judgment. AI hallucination, technological opacity or reliance upon a third-party system should never displace the personal professional responsibility of the lawyer or judicial officer.
5. **Structured judicial and professional training:** The National Judicial Academy, State Judicial Academies, Supreme Court and High Courts should provide continuing training for judges and court staff on the capabilities and limitations of AI, including hallucinations, bias, privacy, cybersecurity, confidentiality and verification requirements. The Bar Council of India and State Bar Councils should establish corresponding continuing professional education for advocates. Regulation 49 of the draft Regulations already contemplates regular and structured training for judges, advocates and court staff and provides an appropriate institutional foundation for this measure.
6. **Preservation of non-digital alternatives:** AI-enabled and digital justice mechanisms should supplement rather than replace conventional means of accessing courts. High Courts, with administrative and financial support from the Union and State Governments, should continue to provide physical filing facilities, e-Sewa Kendras, human assistance desks and other accessible

alternatives for litigants who face limitations arising from poor connectivity, disability, language barriers or inadequate digital literacy. Where legislative intervention becomes necessary, Parliament and State Legislatures should ensure that technological modernisation does not indirectly exclude persons who cannot effectively use digital systems.

7. **Accessible grievance and correction mechanism:** Every court employing AI should provide an accessible mechanism through which litigants may report erroneous, discriminatory or unauthorised AI use and obtain effective human review. High Courts should prescribe simple complaint procedures available through both digital and non-digital channels and designate the authority responsible for investigating and correcting AI-related errors. Such a mechanism should operate without prejudice to appellate, review or other legal remedies already available under law. Regulation 52 of the draft Regulations provides an appropriate starting point by contemplating grievances arising from prohibited AI use and permitting High Courts to formulate accessible procedures for their resolution.

Taken together, these measures would transform the principle of human-centred Artificial Intelligence from a general aspiration into an operational framework founded upon disclosure, verification, auditability, constitutional impact assessment, professional competence, inclusion and effective redress. The governing principle should remain that AI may assist the administration of justice, but judicial authority, legal responsibility and accountability must remain with identifiable human institutions.

X. CONCLUSION

Artificial Intelligence has the potential to improve access to justice in India by reducing delays, simplifying legal processes, improving access to legal information, and supporting courts in managing large volumes of cases. The ongoing digital transformation under the e-Courts Mission further demonstrates how technology can make justice delivery more accessible and efficient.

At the same time, AI cannot by itself remove the structural barriers to justice. Problems of algorithmic bias, inaccurate outputs, privacy, lack of transparency and the digital divide raise serious concerns under Articles 14 and 21 of the Constitution. The Supreme Court's decision in *Pooja Ramesh Singh v Jammu and Kashmir Bank Ltd* illustrates the risks of relying on unverified AI-generated legal material and reinforces the need for meaningful human oversight.

The future of AI in the Indian justice system should, therefore, be guided by a simple principle: technology should assist the administration of justice, not replace human judicial responsibility. Its success should ultimately be measured not merely by speed or efficiency, but by whether it makes justice more accessible, fair, transparent and consistent with constitutional values.

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