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Regulating Artificial Intelligence in the Indian Judiciary: Legal Challenges and the Path Towards an AI Governance Framework

P Sakshi Reddy^a

^aChrist Academy Institute of Law, Bengaluru, India

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The integration of Artificial Intelligence (AI) in India's judicial and legal ecosystem is rapidly gaining momentum, evidenced by tools such as SUPACE (Supreme Court Portal for Assistance in Court's Efficiency), the National Judicial Data Grid (NJDG), and the ongoing rollout of the Phase III e-Courts project. While these initiatives promise significant improvements in judicial efficiency and access to justice, they raise profound legal questions that remain inadequately addressed in India's current regulatory landscape. Unlike the European Union, which enacted the landmark AI Act in 2024, India has no dedicated statute governing AI in judicial or quasi-judicial processes. This article critically examines the constitutional, procedural, and ethical dimensions of AI deployment in Indian courts. It argues that unregulated AI in the judiciary threatens the right to fair hearing under Article 21, undermines judicial independence under Article 50, and creates accountability vacuums inconsistent with the rule of law. Drawing on comparative analysis with the EU AI Act and the United States executive framework, this article proposes a structured Indian AI Governance Framework for judicial contexts, with recommendations for legislative action, institutional oversight, and due process safeguards. The article concludes that the imperative for regulation is not merely technical, but constitutional delay carries the risk of irreversible harm to India's democratic justice delivery system.

Keywords: artificial intelligence, judiciary, AI governance, due process.

INTRODUCTION

The advent of Artificial Intelligence in legal systems across the world has fundamentally altered the architecture of how justice is administered, researched, and delivered. From predictive policing algorithms in the United States to automated sentencing tools in Estonia, AI is no longer a theoretical prospect in legal governance; it is an operational reality. India, the world's most populous democracy and home to over four crore pending cases in its courts, stands at a critical crossroads. On one hand, AI presents an unprecedented opportunity to address the perennial crisis of case backlogs, judicial vacancies, and limited access to justice. On the other hand, its unchecked deployment threatens to undermine the constitutional values that form the bedrock of India's rule of law.

India's judiciary has progressively embraced digital transformation. The National Judicial Data Grid (NJDG) now tracks real-time case data across district courts and High Courts.¹ The Supreme Court introduced SUPACE, an AI research assistant designed to process and present case-relevant data to judges. The e-Courts Phase III project, with a budget of Rs. 7,210 crore, envisions AI-powered cause listing, document analysis, and even predictive scheduling.² These are laudable developments, rooted in India's broader ambition for an AI-empowered economy.³ Yet they proceed in a legal vacuum: there is no statute, no regulation, no guideline judicial or executive that governs how AI may or may not be used in judicial proceedings, what data it may access, how its recommendations may be contested, or who bears accountability when it errs.

This article identifies this vacuum as a constitutional and governance crisis in the making. It is structured as follows: Part II traces the current state of AI adoption in India's judicial system. Part III examines the constitutional dimensions of AI in adjudication, particularly under Articles 14, 21, and 50. Part IV analyses the accountability gap and its implications. Part V undertakes a comparative analysis of the EU AI Act and the U.S. framework. Part VI proposes a structured

¹ 'National Judicial Data Grid' (*National Judicial Data Grid*) <<https://njdg.ecourts.gov.in>> accessed 10 April 2026

² *Digital Courts Vision & Roadmap: e-Courts Project Phase III* (E Committee, Supreme Court of India 2022)

³ *National Strategy for Artificial Intelligence* (NITI Aayog 2018)

Indian AI Governance Framework for the judiciary. Part VII concludes with a call to legislative action.

AI IN THE INDIAN JUDICIAL SYSTEM: CURRENT STATE OF AFFAIRS

The National Judicial Data Grid (NJDG): The NJDG, operational since 2015 and significantly expanded under the e-Courts Phase II and III programmes, is India's most extensive judicial technology deployment. It aggregates data from over 18,000 courts across the country, tracking case filing, disposal, and pendency in real time. While NJDG itself is primarily a data repository rather than a decision-making AI system, it forms the backbone upon which AI systems can and increasingly do operate. Judicial administrators rely on NJDG-generated data to identify bottlenecks, allocate resources, and prioritise case categories. The transition from mere data aggregation to AI-assisted inference and recommendation is a short and already traversed one. The significance of NJDG lies not only in its scale but in its opacity. The system's algorithms for data classification, pendency calculation, and case categorisation are not publicly disclosed. Litigants whose cases are tagged or categorised by such algorithms have no means of challenging the classification or understanding its implications on their case's progression. This constitutes a procedural rights concern of the first order.

SUPACE: AI Assistance in the Supreme Court: Launched in April 2021, SUPACE represents India's most high-profile experiment with AI in judicial decision-support. Designed as an AI research tool for judges, SUPACE processes and filters large volumes of case documents, legal precedents, and statutory materials to present relevant information to the presiding judge. The Supreme Court has clarified that SUPACE only presents facts and does not make decisions; the judge remains the sole decision-maker. However, this distinction, while legally sound in principle, is empirically questionable. Research in cognitive psychology and behavioural law and economics consistently demonstrates that decision-makers, including expert professionals such as judges, are influenced by the framing, selection, and sequencing of information presented to them.⁴ If SUPACE's algorithm selects which precedents to present and which to omit, it effectively shapes the informational universe within which the judge exercises discretion. The algorithm's selection criteria, training data, and error rates are undisclosed. No mechanism

⁴ Daniel Kahneman, *Thinking, Fast and Slow* (Penguin 2012)

exists for a litigant to know what information SUPACE presented or withheld, let alone to challenge it.

e-Courts Phase III and the Expansion of AI: The e-Courts Phase III project, approved in September 2023 with a five-year timeline, envisions a significantly deeper integration of AI in court management. Its key AI-related components include automated cause listing and scheduling, AI-assisted document summarisation, natural language processing for case search and retrieval, and predictive analytics for identifying cases ripe for mediation or settlement. The Phase III vision document acknowledges AI's transformative potential but contains no binding legal safeguards for litigants, no audit requirements for AI systems, and no liability provisions for AI-related errors.

The absence of such safeguards is conspicuous, given that Phase III will govern the day-to-day functioning of district courts, the first and most frequently accessed tier of India's judiciary for ordinary citizens. For a litigant in a property dispute in a district court in Uttar Pradesh or a labour matter in Tamil Nadu, the AI-assisted scheduling, document routing, and case progression systems will shape their access to justice in ways they will neither understand nor be able to contest.

CONSTITUTIONAL DIMENSIONS OF AI IN ADJUDICATION

Article 21 and the Right to Fair Hearing: Article 21 of the Constitution guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law.⁵ As interpreted by the Supreme Court in *Maneka Gandhi v Union of India*,⁶ this procedure must be fair, just, and reasonable, not arbitrary or capricious. The right to a fair hearing *audi alteram partem* is a fundamental component of Article 21 and a principle of natural justice that the Supreme Court has consistently treated as constitutionally mandated. AI deployment in judicial proceedings engages Article 21 at multiple levels. First, if an AI system's recommendation influences the judge's assessment of facts or law without the knowledge of the litigant, the principle of *audi alteram partem* is violated: the litigant cannot respond to information or analysis they do not know exists. Second, if AI scheduling systems systematically delay hearings for certain categories of cases, whether through design or through biased training

⁵ The Constitution of India 1950, art 21

⁶ *Maneka Gandhi v Union of India* (1978) AIR 597

data, the consequent denial of timely justice engages the right to speedy trial recognised under Article 21 in *Hussainara Khatoon v State of Bihar*.⁷ Third, if AI risk assessment tools are used in bail determinations, the impact on personal liberty is immediate and direct.

The key constitutional question is: can an AI-assisted procedure be considered 'procedure established by law' within the meaning of Article 21 if the procedure itself, the algorithm, is opaque, unlegislated, and unchallengeable? Under a purposive reading of Article 21, the answer must be in the negative.

Article 14 and the Guarantee Against Arbitrariness: Article 14 guarantees equality before the law and equal protection of the laws.⁸ The Supreme Court in *E P Royappa v State of Tamil Nadu* expanded the Article 14 guarantee to prohibit arbitrariness in State action.⁹ An AI system whose decision-making logic is opaque is, by definition, one whose output cannot be tested for arbitrariness. If an AI system recommends even informally different outcomes for similarly situated litigants based on variables that are undisclosed or legally irrelevant, Article 14 is directly engaged. This concern is not hypothetical. Machine learning systems trained on historical judicial data inherit the biases present in that data.¹⁰ If India's historical case disposal data reflects systemic disadvantages for litigants from marginalised communities, lower bail grant rates, longer pendency in property disputes involving Scheduled Tribes, or differential success rates by geography, an AI trained on such data will reproduce and potentially amplify these biases. Without auditing requirements and bias-testing mandates, Article 14's guarantee of equal protection is structurally undermined.

Article 50 and Judicial Independence: Article 50 of the Constitution mandates the separation of the judiciary from the executive.¹¹ While Article 50 is a Directive Principle and thus not directly enforceable in isolation, it has been used to read limitations on executive influence over judicial functioning. The independence of the judiciary is widely regarded as a basic structural feature of the Constitution after *Kesavananda Bharati v State of Kerala*.¹² AI systems

⁷ *Hussainara Khatoon and Ors v Home Secretary, State of Bihar, Patna* (1979) 3 SCC 1

⁸ The Constitution of India 1950, art 14

⁹ *E P Royappa v State of Tamil Nadu and Anr* (1974) AIR 555

¹⁰ Bernard E Harcourt, *AGAINST PREDICTION: PROFILING, POLICING, AND PUNISHING IN AN ACTUARIAL AGE* (University of Chicago Press 2008)

¹¹ The Constitution of India 1950, art 50

¹² *Kesavananda Bharati Sripadagalvaru and Ors v State of Kerala & Anr* (1973) 4 SCC 225

in courts are developed, maintained, and often operated by government entities, the Ministry of Electronics and Information Technology and the National Informatics Centre (NIC), or private contractors procured by government agencies. This creates a structural tension: the executive is, in effect, providing the analytical tools that shape judicial information environments. If an AI system's training, parameters, and updates are controlled by executive-branch entities, the boundary between judicial independence and executive influence becomes dangerously porous. No current regulation addresses this tension.

THE ACCOUNTABILITY GAP: WHO IS LIABLE WHEN AI ERRS?

One of the most legally vexing dimensions of AI in the judiciary is the question of accountability. Traditional legal systems assign liability to identifiable human actors, judges, court officials, and advocates whose conduct can be evaluated against established standards of care and duty. AI introduces what legal scholars have termed the 'accountability gap': when an AI-assisted decision causes harm, it may be unclear whether liability attaches to the AI developer, the government body that deployed it, the judge who relied on it, or the institution that failed to oversee it.¹³

Consider a concrete scenario. An AI document summarisation tool deployed in a High Court incorrectly summarises a key precedent, omitting a crucial distinction. The judge, relying on SUPACE's presentation, applies the wrong legal standard and dismisses a petitioner's case. The petitioner appeals. On what basis can they challenge the AI's error? Against whom is the remedy sought? No Indian statute, not the Information Technology Act 2000,¹⁴ not the Digital Personal Data Protection Act 2023,¹⁵ not the Code of Civil Procedure, provides a clear answer. The Digital Personal Data Protection Act 2023 addresses data processing and consent but does not govern AI systems used in judicial processes or create liability for AI-induced procedural harm. India, unlike the European Union, has no AI-specific liability framework. This gap is particularly consequential at the district court level, where AI tools will have the widest reach under Phase III, and where litigants are least equipped financially and legally to challenge AI-related procedural errors. The practical reality is that the vast majority of Indian litigants affected by AI-

¹³ Frank Pasquale, *THE BLACK BOX SOCIETY: The Secret Algorithms That Control Money and Information* (Harvard University Press 2015)

¹⁴ Information Technology Act 2000

¹⁵ Digital Personal Data Protection Act 2023

assisted court processes will have no effective legal remedy, creating a category of what may be termed 'algorithmic injustice' harms that are real but legally unremedied.

COMPARATIVE ANALYSIS: THE EU AI ACT AND THE U.S. FRAMEWORK

The European Union AI Act 2024: The EU AI Act, adopted in June 2024, represents the world's most comprehensive binding legal framework for the regulation of artificial intelligence.¹⁶ Its risk-based classification system designates certain AI applications as 'high-risk', including those used in the administration of justice and democratic processes.¹⁷ High-risk AI systems must comply with stringent requirements, including transparency and provision of information to users, human oversight obligations, accuracy and robustness standards, and registration in an EU database.¹⁸ Most significantly for India's purposes, the EU AI Act prohibits the use of AI systems that make autonomous determinations in judicial proceedings without meaningful human oversight. It mandates that persons affected by AI-assisted decisions have the right to explanation, and that high-risk AI systems be subject to conformity assessments before deployment. The Act also establishes the European AI Office as an independent oversight authority.¹⁹

The EU framework is instructive for India in several respects. First, it demonstrates that comprehensive AI regulation in judicial contexts is legislatively achievable. Second, it operationalises the principle of algorithmic accountability through concrete procedural requirements rather than general principles. Third, it treats judicial AI as categorically different from commercial AI, subject to higher scrutiny, not lower. India would do well to adopt a similarly differentiated approach.

The United States Framework: The United States has taken a more fragmented approach to AI governance, relying primarily on Executive Order 14110 of October 2023 on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence,²⁰ supplemented by sectoral guidelines from the NIST AI Risk Management Framework.²¹ The U.S. does not have a

¹⁶ EU Artificial Act 2024

¹⁷ EU Artificial Act 2024, art 6

¹⁸ EU Artificial Act 2024, arts 13–14

¹⁹ EU Artificial Act 2024, art 64

²⁰ *Executive Order 14110 - Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence* (The American Presidency Project, 30 October 2023)

²¹ *AI Risk Management Framework* (National Institute of Standards and Technology 2023)

unified federal AI statute, though several states, including California and Illinois, have enacted specific AI transparency and accountability laws.

In the judicial context, U.S. courts have grappled with AI primarily through the lens of due process. In *State v Loomis* (Wisconsin, 2016), the Supreme Court of Wisconsin upheld the use of the COMPAS risk assessment tool in sentencing, despite its algorithmic opacity, holding that it was one of many factors considered by the judge.²² The decision was widely criticised by legal scholars as insufficient to protect due process guarantees.²³ The U.S. experience illustrates the dangers of a piecemeal approach: without a statutory framework, courts are left to balance AI's utility against constitutional guarantees on a case-by-case basis, an approach that protects neither consistency nor accountability.

Lessons for India: India occupies a unique position: it is simultaneously a country with a severe judicial capacity crisis that AI could help address, and a constitutional democracy in which fundamental rights must constrain the means of that address.²⁴ The EU and U.S. experiences together suggest that India should avoid both extremes, neither the EU's occasionally bureaucratic rigidity nor the U.S.'s dangerous regulatory fragmentation. India needs a bespoke framework that is constitutionally grounded, institutionally realistic, and calibrated to the specific risks of AI in a high-volume, resource-constrained judiciary.²⁵

PROPOSED FRAMEWORK: AN INDIAN AI GOVERNANCE STRUCTURE FOR THE JUDICIARY

Based on the constitutional analysis in Part III, the accountability analysis in Part IV, and the comparative analysis in Part V, this article proposes a structured Indian AI Governance Framework (IAGF) for judicial contexts. The IAGF rests on five foundational pillars.

Pillar 1: Statutory Grounding — The Judicial AI Regulation Act: India must enact a dedicated Judicial AI Regulation Act (JAIRA) that establishes the legal framework for AI use in all courts and tribunals. The JAIRA should define 'judicial AI system' broadly to include any AI,

²² *State v Loomis* [2016] 881 NW 2d 749

²³ Julia Angwin et al., 'Machine Bias' (*ProPublica*, 23 May 2016) <<https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>> accessed 10 April 2026

²⁴ *Responsible AI for All: Approach Document for India* (NITI Aayog 2021)

²⁵ Law Commission, *Report No 246: Amendments to the Arbitration and Conciliation Act 1996* (2014)

machine learning, or algorithmic tool used in scheduling, document processing, case management, legal research assistance, or any function that influences the conduct or outcome of judicial proceedings. It should create a tiered risk classification analogous to the EU AI Act, with 'decision-proximate' AI systems subject to the highest level of scrutiny, and mandate that all judicial AI systems receive parliamentary or judicial committee approval before deployment.

Pillar 2: Transparency and Explainability Mandates: Every judicial AI system must be required, by statute, to produce explainable outputs. The basis on which an AI system selects, filters, or presents information to a judge must be documentable and, where relevant, disclosable to litigants.²⁶ In proceedings where AI-assisted research or document analysis has been used, parties must be informed of this fact at the relevant stage of proceedings. The JAIRA should create a statutory right to an 'AI impact statement' in any proceeding where the court has used AI tools that touch upon substantive matters akin to the right to examine adverse evidence.

Pillar 3: An Independent Judicial AI Oversight Authority: An independent Judicial AI Oversight Authority (JAOA) should be established under the JAIRA, with institutional independence from both the executive and the judiciary. The JAOA should be composed of legal experts, technologists, civil society representatives, and retired judges. Its functions should include mandatory pre-deployment audit of all judicial AI systems, periodic algorithmic bias audits, investigation of AI-related complaints from litigants and advocates, public reporting, and the power to suspend or prohibit the use of any judicial AI system found to violate constitutional standards. The institutional design of the JAOA is critical. It must not be housed within MEITY or the NIC; this would compromise its independence from the executive, engaging the Article 50 concerns identified above. An appropriate model might be an authority established by the Supreme Court under its powers under Article 142,²⁷ staffed jointly by appointees of the Chief Justice of India and a parliamentary committee.

Pillar 4: Due Process Safeguards and Remedial Mechanisms: The JAIRA must create concrete due process safeguards. These should include: a right to human review, ensuring that any litigant whose case is affected by an AI-assisted determination may have that determination

²⁶ Sandra Wachter et al., 'Why a Right to Explanation of Automated Decision-Making Does Not Exist in the General Data Protection Regulation' (2017) 7(2) International Data Privacy Law <<https://doi.org/10.1093/idpl/ix005>> accessed 10 April 2026

²⁷ The Constitution of India 1950, art 142

reviewed by a human judicial officer; a right to challenge, enabling litigants to challenge the use of a specific AI system in their proceedings on grounds of bias, opacity, or error; a liability framework creating vicarious liability of the State for harms caused by erroneous AI outputs in judicial processes; and an exclusionary rule providing that AI outputs produced in violation of the JAIRA's requirements shall be inadmissible in the relevant proceedings.²⁸

Pillar 5: Mandatory Training and Institutional Culture: Regulation alone is insufficient. Judges, court staff, advocates, and litigants must understand the nature and limitations of judicial AI. The National Judicial Academy should develop a mandatory AI literacy curriculum for all sitting judges. Bar Councils should introduce AI ethics as a component of continuing legal education. Court websites and notice boards should carry plain-language explanations, in regional languages, of any AI systems in use in that court, ensuring that even unrepresented litigants can meaningfully exercise their rights under the JAIRA.

CONCLUSION

The integration of Artificial Intelligence in India's judiciary is neither optional nor reversible; it is the direction in which institutional necessity and technological capability are jointly propelling the Indian legal system. The question before India's lawmakers, jurists, and policy community is not whether AI will transform the judiciary, but whether that transformation will be constitutionally grounded, accountable, and just.

This article has demonstrated that the current deployment of AI in Indian courts through NJDG, SUPACE, and the e-Courts Phase III proceeds in the absence of any adequate legal framework. This absence is not a regulatory oversight: it is a constitutional vulnerability. The right to a fair hearing under Article 21, the guarantee against arbitrariness under Article 14, and the structural principle of judicial independence under Article 50 are each engaged by unregulated judicial AI, and each is, at present, inadequately protected.

India is uniquely positioned to craft a framework that learns from both the comprehensiveness of the EU AI Act and the flexibility of the U.S. sectoral approach, while anchoring that framework in the specifics of India's constitutional jurisprudence and the practical realities of its judicial system. The proposed Judicial AI Regulation Act, the Judicial AI Oversight Authority, and the

²⁸ *Justice K S Puttaswamy (Retd) and Anr v Union of India and Ors* (2017) 10 SCC 1

suite of due process safeguards outlined in this article represent a viable and constitutionally coherent path forward.

The alternative continued AI adoption without regulation risks creating a shadow system of justice in which algorithmic determinations shape judicial outcomes beyond the sight and reach of the law. That is a risk no constitutional democracy can afford. The time for legislative action is not after the harms have materialised. It is now.