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ARTIFICIAL INTELLIGENCE AND INDIAN JUDICIARY: A CONSTITUTIONAL BALANCE BETWEEN EFFICIENCY AND FAIR TRIAL

AUTHORED BY - DINESH VERMA
B.A.LL.B. (Hons.), LL.M. (Constitutional and Administrative Law),
Qualified UGC NET (LAW)

Abstract

The emergence of Artificial Intelligence (AI) has sparked a new discourse in the field of law, particularly in relation to the judiciary. In the Indian context, where judicial delays, case pendency, and limited human resources plague the system, AI presents a promising solution. However, the introduction of AI in judicial processes raises serious constitutional and ethical questions—especially concerning the right to a fair trial as guaranteed under Article 21 of the Indian Constitution. This paper critically examines the growing integration of AI within the Indian judiciary and evaluates whether technological efficiency can be harmonized with the foundational principles of justice, impartiality, and due process.

Keywords

Artificial Intelligence (AI), Indian Judiciary, Fair Trial, Due Process of Law, E-Courts, Digital Justice

Introduction

The Indian judicial system, often hailed as the guardian of constitutional values[1] and the protector of civil liberties[2], is simultaneously criticized for its inefficiency, delays, and staggering backlog of cases[3]. With over five crore pending cases across various levels of courts[4], the justice delivery mechanism finds itself burdened, slow, and often inaccessible to the common citizen. In such a context, Artificial Intelligence (AI) has emerged as a

[1] *Keshvananda Bharati* v. *State of Kerala*, AIR 1973 SC 161.
[2] *Maneka Gandhi* v. *Union of India*, 1978 SCR (2) 621.
[3] *Hussainara Khatoon* v. *State of Bihar*, 1979 AIR 1369.
[4] Press Trust of India, "Nearly 5 Crore Pending Cases In Courts, Over 69,000 In Supreme Court", India News, *available at* https://www.ndtv.com/india-news/nearly-5-crore-pending-cases-in-courts-over-69-000-in-supreme-court-3768720 (last visited on July 25, 2025).

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technological frontier with the potential to revolutionize the functioning of courts by enhancing speed, improving case management, and assisting in legal research.

AI, broadly understood as machine systems capable of mimicking human cognitive functions such as learning, reasoning, and problem-solving, is increasingly finding applications in legal systems worldwide.[5] From predictive analytics and automated documentation to intelligent legal assistants and digital transcription, AI is reshaping traditional legal processes. In India too, initiatives such as SUPACE[6] (Supreme Court Portal for Assistance in Court Efficiency) and SUVAS[7] (Supreme Court Vidhik Anuvaad Software) signal the judiciary's cautious embrace of digital transformation.

However, this technological evolution presents a constitutional conundrum. While efficiency is a legitimate objective for judicial reform, it must not come at the expense of foundational principles like fair trial[8], due process[9], judicial independence[10], and natural justice[11]. Article 21 of the Indian Constitution guarantees the right to life and personal liberty[12], which includes the right to a fair and impartial trial[13]. The infusion of AI into judicial processes raises important questions: Can algorithmic systems deliver unbiased justice? Can litigants understand and challenge AI-driven decisions? Who is accountable for errors or biases embedded in automated tools?

This paper explores the tension between the efficiency promised by AI and the constitutional mandate of fair trial in the Indian judicial context. It critically examines whether AI can complement human judges without compromising legal rights, and proposes a framework that aligns technological innovation with constitutional ethics.

[5] Dipesh Juneja and M.H. Zaidi, *Artificial Intelligence Law And Evidence With Cyber Crimes* 1 (Alia Law Agency, Lucknow, 1st edn., 2024).
[6] SUPACE is an AI-powered portal developed by the Supreme Court of India to enhance the efficiency of the judiciary. It stands for Supreme Court Portal for Assistance in Court's Efficiency. The portal uses machine learning to assist judges with legal research, case analysis, and information retrieval, aiming to reduce the time spent on manual research and improve overall judicial efficiency.
[7] SUVAS, which stands for Supreme Court Vidhik Anuvaad Software, is an AI-powered machine-assisted translation tool developed by the Supreme Court of India. Its primary purpose is to facilitate the inclusion of regional languages in judicial processes by translating legal documents and judgments between English and various Indian vernacular languages.
[8] *Zahira Habibullah* Sheikh v. *State of Gujarat*, 2006 (3) SCC 374.
[9] *Maneka Gandhi* v. *Union of India*, 1978 SCR (2) 621.
[10] *S.P. Gupta* v. *Union of India*, AIR 1982 SC 149.
[11] *A.K. Kraipak* v. *Union of India*, AIR 1970 SC 150.
[12] *K.S. Puttaswamy* v. *Union of India*, AIR 2018 SC (SUPP) 1841.
[13] Supra note 8.

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As India treads the path toward a digital judiciary, it is imperative to ensure that efficiency does not override justice, and that automation does not replace accountability. The challenge, therefore, is not just to adopt AI, but to integrate it in a manner that upholds the dignity, fairness, and humanity of the justice delivery system.

Conceptual Framework

The concept of Artificial Intelligence (AI), though once confined to the realm of science fiction, has now permeated nearly every aspect of modern life, including the legal and judicial domains. AI refers to the simulation of human intelligence in machines that are programmed to think, learn, and act like humans.[14] It includes subfields such as machine learning[15], natural language processing[16], neural networks[17], and deep learning[18]. In judicial settings, AI systems can be used for legal research, transcription, translation of court documents, prediction of case outcomes, and even in assisting with judgment drafting. The rapid technological advancements, combined with the growing demand for judicial reforms in India, have prompted interest in using AI to enhance judicial efficiency. However, the incorporation of AI into the Indian judicial system raises fundamental constitutional questions, especially when weighed against the principles of fair trial, due process, and judicial independence.

India's judiciary is governed by constitutional mandates and legal traditions that emphasize human reasoning, discretion, and moral interpretation of law. At the same time, the system faces a severe crisis of pendency—with over 5 crore cases awaiting resolution as of 2024. Delays in justice delivery are not just administrative issues; they have grave constitutional implications as justice delayed often translates to justice denied[19]. It is in this context that AI is perceived as a potential solution to bring about efficiency—through faster data processing, digitization of records, streamlined workflow, and predictive analytics. AI tools like SUPACE (Supreme Court Portal for Assistance in Court Efficiency) and SUVAS (Supreme Court Vidhik Anuvaad Software) have already been introduced in India to support the administrative

[14] Rituraj Bhowal, *Artificial Intelligence and Law* 9 (Central Law Publications, Prayagraj, Ist edn., 2023).
[15] Machine Learning is a branch of Artificial Intelligence (AI) that enables computers to learn from data and improve their performance over time without being explicitly programmed. *Supra* note 5 at 3.
[16] Natural Language Processing is a field of AI that enables machines to understand, interpret, generate, and respond to human language in a way that is both meaningful and useful.
[17] A Neural Network is a computing system inspired by the structure and function of the human brain, consisting of interconnected nodes (called neurons) that work together to process data and make predictions or decisions.
[18] Deep Learning is a specialized subset of machine learning that uses multi-layered neural networks to automatically learn representations from large amounts of data.
[19] *Mohd. Hussain* v. *State*, AIR 2012 SC 3860.

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functioning of the courts. However, while these tools enhance efficiency, they must be evaluated against constitutional values such as transparency, equality, fairness, and accountability.

The principle of a fair trial is enshrined in Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty.[20] This right includes the right to a fair, impartial, and public hearing by a competent court.[21] A fair trial, as interpreted by the Supreme Court, encompasses several elements—such as the right to be heard[22], the right to legal representation[23], a reasoned judgment, and equality before the law[24]. The introduction of AI, particularly in adjudicatory functions, must not compromise these principles. For instance, if an AI system is involved in sentencing or bail decisions, the lack of transparency and explainability behind its algorithms could violate the audi alteram partem (hear the other side) rule and may deny the accused the opportunity to challenge the reasoning behind the decision.[25] Another significant aspect of this conceptual inquiry involves judicial efficiency, which is undoubtedly a critical concern in the Indian legal system. Efficiency in the judicial context refers to the timely disposal of cases, reduction of case backlogs, elimination of procedural redundancies, and optimal use of judicial resources. AI, when used appropriately, can serve as a vital tool in achieving this efficiency. It can categorize cases, generate reports, translate regional language judgments, and offer data-driven insights to assist judges. However, efficiency must not eclipse the judiciary's commitment to justice. It is essential to strike a balance where AI serves as an aid to human judgment and not a replacement for it.

The conflict between technological efficiency and constitutional fairness also raises concerns about Article 14, which guarantees equality before the law and equal protection of the law.[26] AI systems, by their very design, are dependent on data sets and training models. If these data sets contain historical biases—related to caste, gender, religion, or class—the AI output may reinforce those biases, thereby undermining constitutional guarantees of non-discrimination and equality.[27] Furthermore, Article 32 and Article 226 empower the judiciary to conduct

[20] Dr. Narender Kumar, *Constitutional Law of India* 345 (Allahabad Law Agency, Haryana, 10th edn., 2018).
[21] *Samaj Parivartan Samudaya* v. *State of Karnataka*, AIR 2012 SC 468.
[22] *Olga Tellis* v. *Bombay Municipal Corporation*, AIR 1986 SC 180.
[23] *M.H. Hoskot* v. *State of Maharashtra*, AIR 1978 SC 1548.
[24] *Subramaniam Swamy* v. *Director, CBI*, AIR 2014 SC 2040.
[25] *Christian Louboutin Sas* v. *M/S The Shoe Boutique-Shutiq*, 2023 LiveLaw (Del) 755.
[26] *NALSA* v. *Union of India*, AIR 2014 SC 1863.
[27] *Supra* note 14.

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judicial review[28] and protect fundamental rights[29]. The use of AI in court decisions must be auditable and explainable so that affected parties can challenge decisions in higher courts. The idea of a "black box" algorithm—where neither the judge nor the litigant understands how a decision was made—would directly contradict the tenets of accountability and transparency that are intrinsic to constitutionalism.

Another dimension of the framework is the independence of the judiciary[30], a basic feature of the Constitution. Judges are expected to exercise independent and impartial reasoning in the adjudication of disputes. Introducing AI into the decision-making process may result in the dilution of human discretion, emotional intelligence, and contextual understanding of legal principles. Law is not just about cold logic or data analytics; it is also about compassion, interpretation, and moral judgment. A judge considers not only what the law says, but also what it means in the specific social, cultural, and personal context of the case before them. These human elements cannot be encoded into an algorithm, at least not without significant loss of nuance.

Therefore, the conceptual framework of this study is centered on the dynamic interplay between three major pillars: Artificial Intelligence as a technological enabler, judicial efficiency as a functional necessity, and the fair trial guarantee as a constitutional imperative. The core question is not whether AI should be used in the judiciary, but rather how it should be used—in what capacity, under what safeguards, and with what limitations. This involves evaluating the current scope of AI integration, identifying the risks it poses to due process, and exploring ways to constitutionally align AI use with the principles of justice.

From the lens of Constitutionalism, every exercise of state power, including technological intervention in courts, must be justified against the Constitution's guarantees and principles. Moreover, rule of law theory, as articulated by A.V. Dicey, mandates that all actions must be subject to and consistent with legal principles[31], including those conducted by AI tools. This requires that AI systems be transparent, predictable, and accountable to constitutional standards.

[28] *State of UP* v. *Johri Mal*, AIR 2004 SC 3800.
[29] *M. Nagraj* v. *Union of India*, AIR 2007 SC 71.
[30] *State of Bihar* v. *Bal Mukund Sah*, AIR 2000 SC 1296.
[31] Dr. J.J.R. Upadhayaya, *Administrative Law* 36 (Central Law Agency, Allahabad, 11th edn., 2019).

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This conceptual framework provides a foundation for understanding the integration of AI into the Indian judiciary, not merely as a technical upgrade but as a constitutional and ethical challenge. It seeks to navigate the balance between the promise of innovation and the imperative of justice, ensuring that technological efficiency does not come at the cost of human rights. The aim is to ensure that AI remains a tool in the service of justice, and never its master.

Evolution and Scope of Artificial Intelligence in the Indian Judiciary

The Indian judiciary, one of the largest and most complex legal systems in the world, has traditionally relied on manual procedures and human discretion. However, over the past two decades, the need for modernization has gained momentum due to persistent challenges such as excessive case pendency, limited human resources, and procedural delays. It is within this landscape of institutional burden and technological innovation that the idea of integrating Artificial Intelligence (AI) into the judicial process has evolved. Initially driven by the need to digitize records and automate administrative functions, the scope of AI in India's legal system is now gradually expanding to encompass more sophisticated functions such as data analysis, legal research, judgment summarization, and predictive modelling.

The evolution of AI in the Indian judiciary can be traced back to the broader E-Courts Mission Mode Project, launched in 2005 under the National e-Governance Plan (NeGP).[32] The primary aim of this initiative was to computerize courts and digitize judicial records. Although not AI-based in its initial phase, it laid the essential groundwork for the eventual introduction of intelligent technologies. The adoption of virtual courts, online case management systems, and electronic filing (e-filing) during the COVID-19 pandemic further accelerated the judiciary's digital transformation. These efforts were initially focused on enhancing transparency, accessibility, and administrative efficiency, but they also created an ecosystem where AI tools could be effectively deployed.

A major milestone in the evolution of AI in the Indian judiciary came with the launch of SUPACE (Supreme Court Portal for Assistance in Court Efficiency) in 2021. Developed by a committee headed by Justice D.Y. Chandrachud, SUPACE is an AI-driven tool designed to

[32] https://ecommitteesci.gov.in/project/brief-overview-of-e-courts-project/ (last visited on July 26, 2025).

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assist judges in legal research and information retrieval.[33] It does not make judicial decisions but helps judges analyze facts, identify relevant precedents, and summarize long documents. By streamlining the pre-adjudication process, SUPACE reduces the burden on judges and ensures more informed and efficient decision-making. Its introduction marked the judiciary's first serious attempt to harness AI in a meaningful, constitutionally sensitive manner.

Another significant initiative is the SUVAS (Supreme Court Vidhik Anuvaad Software) system, an AI-based translation tool that enables judgments and court orders to be translated from English into nine regional languages.[34] Given the linguistic diversity of India and the fact that a large section of the population cannot access judgments in English, SUVAS is a transformative tool that enhances inclusivity and access to justice. It uses natural language processing (NLP) to interpret complex legal terminology and ensure accurate, context-specific translations. While this system does not directly impact adjudicatory functions, it plays a crucial role in bridging the language divide within the Indian legal system.[35]

Besides these centralized tools, several High Courts are also experimenting with AI-driven solutions. The Delhi High Court[36] and the Bombay High Court, for instance, have adopted AI tools for case classification, document tagging, and transcription services. These pilot projects are being carefully monitored to evaluate their effectiveness and scalability across other courts in India. Similarly, AI chatbots are being explored by court registries to answer litigants' queries regarding court procedures, cause lists, and case statuses—reducing the dependence on human clerks and enabling faster public interaction.

The scope of AI in the judiciary is no longer limited to back-end administrative support. Emerging possibilities include predictive justice tools, which can analyze historical data to

[33] Aamir Khan, "AI-powered Indian judiciary: A step forward or cause for concern?" *available at*: https://www.barandbench.com/columns/litigation-columns/ai-powered-indian-judiciary-a-step-forward-cause-concern (last visited on July 26, 2025).
[34] Supreme court's decision writing software 'Suvas', 9 regional languages including Hindi, Urdu will be available on the website. The decisions of the Supreme Court can now be read in 9 regional languages. This includes Bangla languages including Hindi, Assamese, Kannada, Marathi, Oriya, Tamil, Telugu and Urdu.
[35] Justice A. Muhamed Mustaque, "Best Practices & Initiatives In Implementation Of ICT Tools In High Courts ICT Tools for Judiciary (NJDG, CIS, ICJS, SUVAS, SUPACE)" *available at:* https://nja.gov.in/Concluded_Programmes/2022-23/P-1334_PPTs/2.Implementation%20of%20ICT%20Tools%20in%20High%20Courts.pdf (last visited on July 27, 2025).
[36] Nirbhay Thakur, "Justice at your fingertips: How AI is helping Delhi's judges, lawyers deal with caseload", *available at*: https://indianexpress.com/article/cities/delhi/justice-at-your-fingertips-how-ai-is-helping-delhis-judges-lawyers-deal-with-caseload-10014723/ (last visited on July 27, 2025).

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anticipate possible outcomes in litigation. While these tools are controversial due to concerns of bias and lack of explainability, they are being increasingly viewed as decision-support systems, particularly in civil disputes, consumer cases, and bail hearings. AI can also assist in alternative dispute resolution (ADR) mechanisms, especially in mediation and arbitration, by recommending settlements based on prior case patterns.[37]

Moreover, the integration of AI extends to the domain of judicial training and education. AI-based platforms are being used to create interactive legal education modules for judges, court staff, and law students.[38] These platforms provide real-time updates on legal developments, simulate case scenarios, and evaluate decision-making skills. Such tools are instrumental in cultivating a judiciary that is both technologically adept and constitutionally grounded.

Despite these developments, the use of AI in Indian courts remains largely assistive and non-adjudicative. The judiciary has consciously avoided deploying AI in decision-making processes that affect life, liberty, or property—acknowledging the ethical and constitutional complexities involved. There is a growing recognition that while AI can improve procedural efficiency and reduce clerical workloads, it must not replace human discretion, empathy, or the moral reasoning integral to adjudication. This cautious yet progressive approach reflects the Indian judiciary's attempt to align technological advancement with constitutional values.

Looking ahead, the scope of AI in the judiciary is expected to grow considerably. With the advancement of technologies such as deep learning, semantic analysis[39], and legal ontology[40],

[37] Hibah Alessa, "The role of Artificial Intelligence in Online Dispute Resolution: A brief and critical overview", *available at:* https://www.tandfonline.com/doi/full/10.1080/13600834.2022.2088060 (last visited on July 27, 2025).

[38] Ministry of Law and Justice, "Digital Transformation of Justice: Integrating AI in India's Judiciary and Law Enforcement", *available at:* https://www.pib.gov.in/PressReleasePage.aspx?PRID=2106239#:~:text=Advanced%20AI%2Dpowered%20tools%20assist,and%20consistency%20of%20legal%20documentation. (last visited on July 27, 2025).

[39] Semantic analysis is a subfield of Natural Language Processing (NLP) that focuses on understanding the meaning and context of words, phrases, and sentences in human language. In simple terms, it helps machines comprehend not just the literal words but the intended meaning behind them. In a court judgment, semantic analysis can help AI understand that "The accused was acquitted due to lack of evidence" means the person was found not guilty, even if the sentence structure varies across documents.

[40] Legal ontology refers to a structured framework that defines and categorizes key legal concepts, entities, and relationships within a specific legal system. It serves as a blueprint or dictionary for how AI systems should understand legal terms and how they relate to one another. In an AI system analyzing employment law, a legal ontology would define relationships like:

- "Employee is a type of Person"
- "An Employment Contract is an Agreement between Employer and Employee"
- "Termination Clause is part of Employment Contract"

By having such structured knowledge, the AI can better understand the logic and rules of law.

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AI tools may eventually be capable of identifying contradictions in legal arguments, generating first drafts of judgments, and detecting inconsistencies in witness testimonies. However, these futuristic applications will require robust regulatory frameworks, algorithmic accountability, and stringent ethical standards to prevent misuse and ensure that AI remains a tool for enhancing justice rather than undermining it.

The evolution of AI in the Indian judiciary has been gradual, experimental, and deeply intertwined with the larger project of judicial digitalization. From automating basic tasks to supporting complex legal analysis, AI's role is steadily expanding. The scope of its application, however, is being shaped not only by technological feasibility but also by constitutional prudence, ethical concerns, and the imperative to protect fundamental rights. The Indian judiciary is thus attempting to walk a tightrope—embracing AI-driven efficiency while vigilantly guarding the sanctity of fair trial, human dignity, and judicial independence.

Constitutional Challenges

The integration of Artificial Intelligence (AI) into the Indian judicial system brings with it not only technological promises but also serious constitutional challenges. As the judiciary gradually embraces AI for legal research, document analysis, and potentially decision-making assistance, it must tread carefully to avoid violating the fundamental rights enshrined in the Constitution of India. The most pressing constitutional challenge revolves around ensuring that the use of AI does not infringe upon the right to a fair trial, judicial accountability, or the independence of the judiciary. The Constitution of India lays down a clear framework under which all institutions of governance—including the judiciary—must function, and any deployment of AI must comply with these principles.

One of the primary concerns relates to Article 21 of the Constitution, which guarantees the right to life and personal liberty and, by judicial interpretation, encompasses the right to a fair trial. The Supreme Court of India has repeatedly emphasized that a fair trial is a basic feature of the rule of law and a non-negotiable component of due process.[41] If AI is used in judicial decision-making—such as recommending bail, sentencing, or case prioritization—there must be safeguards to ensure transparency, fairness, and reasonableness. The opacity of many AI systems, often referred to as the “black box” problem, makes it difficult for litigants to

[41] *Supra* note 2.

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understand or challenge decisions influenced by algorithms. This lack of explainability can undermine procedural fairness, as parties may be denied the opportunity to question or cross-examine the reasoning behind a judicial outcome.[42]

Another major constitutional challenge arises under Article 14, which guarantees the right to equality before the law and equal protection of the laws. AI systems, by nature, rely on training data that is often based on historical patterns. If the underlying data reflects social prejudices, biases related to caste, gender, religion, or economic status may become embedded in the algorithmic outcomes. For instance, an AI tool trained on past sentencing data might replicate harsher sentences for marginalized communities if those patterns exist in the dataset. This raises serious questions about algorithmic bias and the potential violation of the principle of substantive equality. Courts must ensure that the use of AI does not lead to automated discrimination, even if such outcomes are unintended by the system designers.[43]

Article 32 and Article 226 of the Constitution empower individuals to move the Supreme Court and High Courts respectively for the enforcement of their fundamental rights. These provisions form the bedrock of judicial review in India. However, the adoption of AI in judicial processes—especially where decisions are data-driven and automated—can undermine judicial review if the decision-making process is not transparent. If an AI tool influences or partially determines a judicial decision, but its logic is not open to scrutiny or challenge, litigants may be denied their right to effectively seek redress. This concern is particularly relevant in the context of administrative tribunals or fast-track courts, where AI tools might be introduced to expedite justice without a corresponding framework for judicial accountability.

The use of AI also implicates the doctrine of separation of powers, a basic feature of the Constitution that ensures the independence of the judiciary from executive and legislative interference.[44] If AI tools used in courts are developed, managed, or updated by executive agencies or private corporations, this could result in an indirect compromise of judicial independence. For example, if a court relies on an AI tool created and maintained by a private company for legal research or case analysis, the neutrality and objectivity of judicial reasoning may be influenced by external, non-judicial inputs. This would contravene the principle that

[42] *Jaswinder Singh* v. *State of Punjab*, 2023 LiveLaw (PH) 95.
[43] *State (NCT of Delhi)* v. *Navjot Sandhu*, (2005) 11 SCC 600.
[44] *Supra* note 31 at 47.

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judges must base their decisions solely on law, evidence, and judicial conscience—not on third-party algorithmic suggestions whose logic they may not fully understand or control.

The right to privacy, as recognized by the Supreme Court in the landmark case of *Justice K.S. Puttaswamy (Retd.) v. Union of India*[45], is another constitutional concern in the context of AI in judiciary. AI systems require vast amounts of data to function effectively. In the judicial context, this may include sensitive personal data, case records, biometric information, and behavioural patterns. The unauthorised or unregulated use of such data, especially in predictive justice models or behavioural analytics tools, can violate the informational privacy of litigants. Without a comprehensive data protection law or judicial data governance framework, there is a real risk that AI systems could be used to surveil, profile, or manipulate judicial outcomes in ways that breach constitutional protections.[46]

Moreover, the use of AI in courts could potentially conflict with the principle of natural justice, especially the right to be heard. If a litigant receives a judicial order influenced by AI, but neither the litigant nor the judge fully understands the AI's reasoning, the ability to contest, explain, or appeal that decision is significantly diminished. This creates a situation where automated outcomes override participatory justice, which is antithetical to the Indian legal tradition. The Constitution envisages a justice system that is accessible, human-centered, and based on reasoned deliberation—not one where decisions are dictated by opaque algorithms.
A subtler yet profound challenge is the dilution of human judicial discretion. The Indian Constitution vests judicial power in judges, who are expected to interpret laws not just mechanically, but with compassion, empathy, and a sense of justice. The increasing reliance on AI tools that offer predictive judgments or suggest legal outcomes might lead to a "rubber-stamping" mentality, where judges accept algorithmic recommendations without critical analysis. This poses a threat to the soul of judicial reasoning, which requires balancing law with conscience, and rules with context. Human discretion, unlike AI, can adapt to nuances such as the socio-economic background of the litigant, the gravity of procedural lapses, or the need for rehabilitative justice.[47]

To ensure that the use of AI in the judiciary remains constitutionally compliant, it is essential

[45] AIR 2017 SC 1461.
[46] Dr. Jyoti Rattan, *Cyber Laws & Information Technology* 471 (Bharat Law House Pvt. Ltd, New Delhi, 9th edn., 2022).
[47] *Bachan Singh* v. *State of Punjab*, AIR 1980 SC 898.

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to develop a regulatory framework that clearly defines the scope, limitations, and accountability mechanisms for AI tools.[48] This includes conducting constitutional impact assessments before deploying AI, ensuring that all AI-assisted decisions are subject to human oversight, and building explainable AI models that allow for judicial and public scrutiny. Moreover, data protection laws[49], ethical AI guidelines, and public participation in AI policy-making are necessary to align AI deployment with the spirit of the Constitution.

While AI has the potential to bring transformative improvements in the Indian judicial system, its deployment must be carefully aligned with constitutional values. The challenges under Articles 14, 21, 32, 226, and the broader doctrines of judicial independence and natural justice are not merely theoretical—they are practical guardrails that protect the dignity and fairness of the judicial process. Any compromise on these principles, even in the name of efficiency, risks undermining the very foundation of justice in a democratic society. Therefore, the Indian judiciary must embrace AI cautiously, ensuring that technology remains a servant of justice, not its master.

Ethical and Legal Concerns in the Use of Artificial Intelligence in the Indian Judiciary

The use of Artificial Intelligence (AI) in the Indian judiciary, though promising in enhancing efficiency, brings with it a host of ethical and legal concerns that need to be addressed with due seriousness. These concerns revolve around issues such as fairness, accountability, transparency, data privacy, and the moral responsibility of decision-making. As AI systems move from administrative roles to influencing or supporting judicial decisions, the line between technological assistance and legal determination begins to blur. Without a proper ethical and legal framework, this development could pose a serious risk to the foundational values of justice and rule of law in India.

A central ethical dilemma lies in the delegation of human judgment to machines. Judicial decision-making is not just about applying the law to facts; it is also about understanding the human condition, interpreting societal values, and exercising empathy and discretion. Machines, no matter how advanced, lack the consciousness and emotional intelligence required

[48] *Supra* note 5 at 411.
[49] The Digital Personal Data Protection Act, 2023 (DPDP Act).

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for moral judgment. If AI tools are allowed to influence decisions—such as bail conditions, sentencing lengths, or case prioritization—there arises a serious question: can a machine ever truly "understand" justice in the same way a human judge can? The fear is that algorithmic rationality may replace human morality, leading to outcomes that are technically efficient but ethically unjust.[50]

Accountability is another pressing concern. In the current legal system, judges are accountable for their decisions and must offer reasoned judgments that can be appealed or reviewed. However, AI systems, especially those based on deep learning or neural networks, often operate in opaque ways, making it difficult to trace how a particular recommendation or result was reached. This "black box" nature of AI undermines both judicial transparency and accountability. If a judge follows an AI recommendation without fully understanding its logic, and the decision is later challenged, who bears responsibility—the judge or the algorithm developer? The lack of a clear chain of accountability introduces legal ambiguity and ethical irresponsibility into the judicial process.[51]

The issue of bias and discrimination embedded in AI systems also raises ethical red flags. AI tools are trained on data, and if that data reflects existing societal biases—such as caste, gender, religion, or economic status—the algorithm may end up amplifying those biases rather than eliminating them. For instance, a predictive tool trained on past criminal judgments may inadvertently suggest harsher outcomes for historically marginalized communities. This leads to algorithmic injustice, where technological neutrality becomes a myth and systemic discrimination is encoded into digital systems. Ethical deployment of AI thus demands careful auditing of training data and the implementation of anti-bias protocols.

From a legal perspective, the use of AI in judiciary intersects critically with data protection and privacy laws. AI models require massive amounts of personal and case-related data for training and analysis. In the absence of a robust data protection framework in India, there is a real risk of misuse, unauthorized access, and violation of informational privacy. Sensitive data about litigants—such as mental health records, criminal backgrounds, or financial histories—may be stored, processed, or shared without informed consent. The Supreme Court of India, in the *Puttaswamy* judgment (2017), declared privacy as a fundamental right under Article 21, and

[50] *Christian Louboutin Sas* v. *M/S The Shoe Boutique-Shutiq*, 2023 LiveLaw (Del) 755.
[51] *Mina Deb* v. *Sri Pradip Deb*, 2020 SCC Online Cal 330.

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any AI system violating this right would be legally unconstitutional.

Another legal challenge arises from the lack of specific legislation governing AI in the judiciary. While India has begun discussing a regulatory approach to AI through government bodies like NITI Aayog, there is no comprehensive law that addresses the use of AI in courts. This creates a regulatory vacuum, where the judiciary is left to experiment with AI tools without clear guidelines on their use, limitations, or review mechanisms. The absence of standard protocols raises concerns about the legality of AI-generated outputs, especially in the context of evidentiary standards, procedural due process, and judicial review.

Moreover, the use of AI in judicial decision-making can potentially conflict with natural justice principles, particularly the right to be heard and the right to a reasoned decision. If a litigant receives a judgment that is heavily influenced by AI, without being informed of the system's role or reasoning, the litigant is effectively denied the opportunity to understand and contest the process. Such opacity violates the principle of audi alteram partem—the right to be heard—which is a cornerstone of Indian jurisprudence.[52] In a system built on open court proceedings[53] and reasoned judgments[54], the substitution of machine logic for human reasoning raises both legal and moral concerns.

Ethical concerns also extend to the commercialization of justice. If AI systems used in courts are built or maintained by private tech companies, questions arise regarding ownership of data, influence over algorithms, and conflict of interest. Private involvement in justice delivery, even through digital tools, must be carefully regulated to ensure there is no commodification or distortion of judicial impartiality. Without strict controls, AI could become a tool for institutional corporatization, where judicial processes become susceptible to market forces and commercial interests.

Lastly, the issue of digital divide and accessibility has ethical implications. Many litigants in India, especially in rural or marginalized communities, may not have the digital literacy to engage with AI-driven judicial processes. If AI tools become central to how courts operate—filing, hearing, or deciding cases—this may create a two-tiered justice system: one for the

[52] *Nandini Satpathy* v. *P.L. Dani*, AIR 1978 SC 1025.
[53] *PUCL* v. *Union of India*, (2004) 9 SCC 580.
[54] *Express Newspapers Ltd*. v. *Union of India*, AIR 1958 SC 578.

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digitally literate and another for the digitally excluded. Ethical justice demands inclusive technology that does not deepen social inequalities but works to bridge them. Courts must therefore ensure that AI implementation is accompanied by capacity-building, legal awareness, and offline alternatives.

While AI holds enormous potential for improving the efficiency of the Indian judiciary, its ethical and legal implications cannot be ignored. From bias, privacy, and accountability to transparency, access, and human dignity, the deployment of AI in courts touches on some of the most sensitive and fundamental aspects of justice delivery. A responsible approach requires not just technical safeguards but also a robust ethical code and legal framework grounded in constitutional values. Only then can AI serve as a tool that enhances—not endangers—the legitimacy, fairness, and moral authority of the Indian judicial system.

Opportunities Offered by Artificial Intelligence in the Indian Judiciary

The Indian judiciary is overburdened, slow-moving, and deeply clogged with a backlog of cases that has eroded public confidence in the justice delivery system. Against this backdrop, Artificial Intelligence (AI) emerges as a powerful tool offering transformative potential. Rather than replacing judges or legal professionals, AI can augment human intelligence, streamline processes, and create a more efficient, accessible, and transparent legal system. Properly harnessed, AI can address the structural weaknesses of the Indian judicial system and serve the constitutional mandate of speedy justice under Article 21 of the Indian Constitution.[55]

One of the most promising opportunities lies in case management and docket control. AI-powered systems can automatically sort, classify, and schedule cases based on priority, urgency, and complexity. This can reduce administrative burden and help courts manage caseloads more efficiently. Tools like SUPACE (Supreme Court Portal for Assistance in Court Efficiency), introduced by the Supreme Court of India, aim to help judges by summarizing case documents, extracting key facts, and suggesting relevant precedents. These AI systems can enable judges to focus on decision-making rather than being bogged down in paperwork, thereby reducing delays in justice delivery.

AI also enhances legal research capabilities. Traditional legal research can be time-consuming

[55] *Kartar Singh* v. *State of Punjab*, (1994) 3 SCC 569.

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and cumbersome, especially when combing through vast volumes of statutes, case laws, and commentaries. AI-driven legal databases use Natural Language Processing (NLP) to understand queries in plain language, retrieve relevant precedents, and even suggest interpretations based on judicial trends. This can significantly improve the quality and accuracy of judgments, especially for junior judges or overworked district courts with limited research resources.

In the field of e-discovery and evidence analysis, AI can scan large datasets—such as emails, contracts, or forensic records—and identify patterns or anomalies that would be nearly impossible for a human to detect in a short time.[56] For example, in complex commercial litigation or white-collar crime investigations, AI can help sift through financial records to identify money trails or fraudulent transactions. This offers speed, precision, and objectivity, which is particularly valuable in technical or voluminous cases.

AI can also facilitate predictive analysis, offering insights into how a particular judge or court has historically ruled on certain types of cases. While controversial in its application to sentencing or bail decisions (due to concerns of bias and fairness), predictive analytics can still be a useful tool in case strategy planning, settlement forecasting, or judicial trend analysis. Legal professionals can use these insights to advise clients more effectively, and policymakers can identify trends in jurisprudence that require reform or legislative clarification.

Another major opportunity is the translation and language processing capabilities of AI. India is a multilingual country[57], and linguistic diversity[58] often becomes a barrier to accessing legal information and justice. AI can help bridge this divide by offering real-time translation of judgments, orders, and legal notices across languages. For example, the Supreme Court has initiated efforts to use AI for translating its judgments into regional languages under the SUVAS (Supreme Court Vidhik Anuvaad Software) system. This is a leap forward in legal inclusivity, particularly for litigants and lawyers from non-English-speaking regions.

AI also enables citizen-centric services through chatbots and virtual legal assistants, particularly in the context of legal aid and public grievance redressal. These tools can guide

[56] *Supra* note 46 at 417.
[57] *Supra* note 20 at 472.
[58] *Bishop S.K. Patro* v. *State of Bihar*, AIR 1970 SC 259.

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individuals—especially those from marginalized backgrounds—on how to file a complaint, check case status, or understand basic legal rights. By automating routine queries and simplifying complex legal language, AI can democratize access to legal knowledge, reducing dependency on middlemen and improving legal awareness at the grassroots level.

Moreover, AI can play a pivotal role in ensuring consistency in judicial decision-making. Given the vast and decentralized nature of the Indian judiciary, there is a legitimate concern over judicial discretion leading to inconsistent rulings in similar cases. AI tools can cross-reference similar facts, past rulings, and statutory provisions to help judges ensure that their decisions are in line with precedent. This promotes legal certainty and rule of law, reducing the arbitrariness that sometimes undermines judicial credibility.

AI also strengthens data-driven policy formulation. By analyzing patterns in case filings, delays, disposal rates, and demographic data of litigants, AI can offer evidence-based insights for judicial reform. This can help the judiciary and legislature understand where the bottlenecks lie—be it infrastructure, personnel, or procedural hurdles—and design targeted interventions. For example, if AI analysis shows a surge in domestic violence cases in a particular district, more judges or legal aid services can be allocated there. This leads to smart allocation of resources and dynamic governance of the justice system.

In the long term, AI can revolutionize legal education and training. Law schools can use AI to offer personalized learning paths, simulate court scenarios, and provide instant feedback to law students. Judicial academies can use AI tools for continuing legal education of judges, ensuring they stay updated with evolving laws, precedents, and technological developments. This could raise the overall competence of legal professionals, improving the ecosystem from the inside out.

Lastly, in a digital-first world, AI offers resilience to the judiciary in times of crises. The COVID-19 pandemic showcased the vulnerability of traditional court systems. AI, along with digital tools like virtual hearings and e-filing, can ensure continuity of judicial functions during disruptions, safeguarding citizens' fundamental right to access justice even in emergencies.

The integration of Artificial Intelligence in the Indian judiciary presents a tremendous opportunity to modernize and humanize the justice delivery system. It promises faster

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resolutions, wider access, smarter decisions, and stronger institutions. However, these benefits must be unlocked responsibly—by balancing efficiency with fairness, innovation with regulation, and technology with constitutional values. If approached wisely, AI can be a catalyst for transforming Indian courts into more just, responsive, and inclusive institutions.

Recommendations and the Way Forward: Striking a Constitutional Balance Between AI Efficiency and Fair Trial

As India stands at the intersection of technological innovation and judicial reform, it is crucial that the integration of Artificial Intelligence (AI) in the judiciary does not merely prioritize efficiency but also safeguards the constitutional mandate of a fair trial. While AI presents numerous opportunities, its unchecked use could challenge fundamental legal values, including judicial impartiality, human dignity, and due process. Hence, strategic, ethical, and human-centric implementation is necessary to ensure that technological progress complements constitutional guarantees. The following recommendations provide a structured roadmap for the responsible and impactful adoption of AI in the Indian judiciary.

The first and foremost recommendation is to develop a comprehensive legal and ethical framework governing the use of AI in courts. This framework must clearly define the permissible and impermissible use-cases of AI in judicial functions. It should ensure compliance with constitutional values, protect litigants' rights, and embed ethical principles such as transparency, accountability, and non-discrimination. Independent regulatory bodies or committees, comprising legal scholars, technologists, judges, and ethicists, should be created to oversee AI deployment, approve algorithms, and monitor usage. Periodic audits of AI tools for bias, fairness, and effectiveness must be mandated under this framework.

Despite the efficiency benefits of AI, judicial decision-making must remain fundamentally human. Judges, not algorithms, should retain final authority over facts, interpretation, and reasoning. AI should only serve an assistive role, helping judges by organizing information, providing precedents, and suggesting patterns. It should not be used for automated sentencing, bail decisions, or final verdicts, where empathy, context, and discretion are essential. The Indian judiciary must emphasize that technology supports justice, but does not deliver it independently.

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Many AI tools operate as 'black boxes,' where the reasoning behind a decision or recommendation is not easily understandable. This lack of explainability is incompatible with constitutional principles of natural justice. To remedy this, only explainable AI (XAI) models should be allowed in judicial contexts. These models must provide clear reasons for their suggestions or outputs, so that judges and litigants can scrutinize, accept, or reject them. Transparency in AI algorithms also helps in identifying biases, discriminatory patterns, or flaws and is essential for maintaining public trust in digital justice systems.

AI tools in the judiciary depend on large datasets, including sensitive personal information of litigants, lawyers, and judges. Hence, robust data privacy protections must be put in place. Until a comprehensive Personal Data Protection law is enacted in India, special judicial guidelines should govern the collection, storage, and use of judicial data. Consent, confidentiality, data minimization, and encryption should be integral to AI systems. The judiciary must ensure that digitization does not come at the cost of the right to privacy under Article 21.

Tech developers creating AI for judicial use must undergo training in constitutional law, human rights, and judicial ethics. This will ensure that the algorithms they design are aligned with justice-oriented principles rather than purely technical efficiency. Interdisciplinary collaborations between law schools, engineering institutes, and judicial academies can create a new generation of professionals who understand both the technological and legal dimensions of AI in courts. This would lead to the development of responsible, human-centered AI systems for legal use.

AI systems must be designed to serve all segments of society, including the digitally marginalized. This means interfaces in regional languages, compatibility with assistive technologies (for the disabled), and support for mobile and low-bandwidth environments. Initiatives like SUVAS (Supreme Court Vidhik Anuvaad Software) for language translation must be expanded to district and lower courts. AI tools should simplify legal language and offer guided assistance to self-represented litigants, ensuring wider access to justice.

Before full-scale adoption, AI tools should be introduced through controlled pilot programs in select courts. These projects must be independently evaluated on efficiency, fairness, user satisfaction, and accuracy. Feedback from judges, lawyers, litigants, and court staff should shape improvements. The Ministry of Law and Justice, along with the e-Committee of the

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Supreme Court, can create an AI Implementation and Assessment Committee to review pilot results and set national standards for deployment.

To prevent a monopoly by a few private AI vendors and to enhance judicial independence, the government should encourage the development of open-source AI tools tailored to Indian legal needs. These tools can be audited for transparency and continuously improved by the legal-tech community. Public funding and academic partnerships should be provided to support the development of such tools, particularly for small courts, tribunals, and legal aid services that may not afford commercial software.

The success of AI in the judiciary depends not just on the technology but on the people using it. Judges, lawyers, and court staff must receive continuous training in understanding, using, and supervising AI tools. Judicial academies and bar councils should introduce AI literacy programs covering basic algorithms, bias detection, data ethics, and digital case management. Periodic refresher courses will ensure that stakeholders stay updated with evolving tools and techniques.

Finally, any use of AI in the justice system must remain subject to judicial review and constitutional scrutiny. If an AI-based recommendation influences a legal decision, the parties involved must have the right to challenge or question the AI input. Courts must be empowered to evaluate whether the use of AI was fair, non-discriminatory, and legally justified. This ensures that constitutional safeguards are not diluted in the name of modernization.

Conclusion

The integration of Artificial Intelligence into the Indian judicial system stands at the cusp of a transformative era. On one hand, AI holds immense potential to address some of the judiciary's most persistent challenges—case backlog, procedural inefficiencies, and limited accessibility. On the other, it raises profound constitutional, ethical, and legal questions that cannot be overlooked. The challenge is not just technological; it is fundamentally jurisprudential. As India aspires to modernize its judiciary through digital tools, it must also uphold the constitutional promises of fairness, transparency, and justice for all.

This research has examined how AI is gradually being introduced in Indian courts through tools like SUPACE and SUVAS, primarily as assistive technologies. These tools improve efficiency

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and access, particularly in administrative and research-oriented tasks. Yet, as AI systems become more sophisticated and are increasingly used for decision-support in areas such as bail recommendations, sentencing analysis, and legal reasoning, they must be regulated with clear boundaries. The ethical concerns around algorithmic bias, data privacy, and the dilution of human discretion are not merely theoretical—they directly affect litigants' fundamental rights and the legitimacy of judicial decisions.

Importantly, the constitutional framework—especially Articles 14, 21, 32, and 226—must remain the guiding light for any form of AI adoption in the judiciary. The right to equality, fair trial, and judicial review must not be compromised in the pursuit of speed and scale. The judiciary's independence and moral authority hinge on its ability to deliver justice that is not only fast but also empathetic and contextually sensitive. AI, by contrast, operates on logic and precedent, and may lack the moral and emotional intelligence required for nuanced adjudication. Hence, any deployment of AI must ensure that human judges remain the final arbiters of legal disputes.

To achieve a harmonious balance between technological efficiency and constitutional fairness, India must implement a multi-pronged approach: enacting a regulatory and ethical framework, investing in explainable and accountable AI systems, training legal professionals in AI ethics, and ensuring inclusivity for digitally marginalized communities. Open-source platforms, public oversight, and interdisciplinary collaboration between legal and technological institutions can further foster responsible innovation. AI must be designed not to replace judges but to empower them—to reduce clerical burdens, to clarify legal ambiguities, and to offer better access to justice for the common citizen.

In conclusion, AI is not an adversary to justice, but neither is it a silver bullet. It is a tool—one that must be wielded with constitutional wisdom and ethical restraint. The future of AI in the Indian judiciary will depend on our collective ability to ensure that efficiency never comes at the cost of fairness, and that automation never replaces accountability. If developed and deployed responsibly, AI can truly become a transformative force in making the Indian judicial system faster, smarter, and more just—one that not only embraces innovation but also reaffirms its enduring commitment to constitutional values.

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