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LEGAL ASPECTS OF ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING IN INDIA: ETHICAL AND PROCEDURAL LIMITS OF AI TOOLS IN JUDICIAL DECISION-MAKING

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ABSTRACT

The increased use of artificial intelligence and machine learning by Indian courts is raising novel legal issues as regards the appropriateness of automated processes being utilized in adjudication. Indian courts currently utilize the technology for functions such as transcription, translation, assisting in legal research and case management, but official sources indicate that it is not intended to replace judges or determine outcomes¹. I argue that irrespective of any efficiency benefits it may offer, the deployment of AI within or on the fringes of adjudication poses immense legal and constitutional issues for the courts, such as compromising due process, fair trials, transparency, accountability, privacy and judicial independence. Through an examination based on doctrinal and critical legal methods, the article analyzes how AI in courts may undermine both sound adjudication and access to justice, if not adequately controlled. It concludes that the Indian legal system must adopt and enact concrete procedural and ethical limits on its use.

INTRODUCTION

AI is no longer a futuristic reality for India's judiciary. Courts are employing a growing number of AI-powered tools, from transcription and translation services to legal research and case-management systems, as part of the e-Courts project and other digitisation schemes². The

¹ Press Information Bureau, Government of India, Use of Artificial Intelligence in Legal Field (Nov. 19, 2025), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2202159®=3&lang=1>

² Press Information Bureau, Government of India, Use of Artificial Intelligence in Legal Field (Nov. 19, 2025), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2202159®=3&lang=1>.

authorities are explicit that such systems are to aid judicial functioning and are in place to complement, rather than supplant, judges or the act of adjudication. The question of where judicial aid ends, and judicial adjudication begins is a critical legal concern now that AI is entering more courtroom procedures. The act of judging is, by definition, not a routine mechanical exercise; it is about a reasoned judgment on the interpretation of facts, balancing of interests, application of constitutional values and impact on rights, liberty and access to justice. AI is, therefore, also subject to scrutiny in terms of justice, accountability, and procedure, issues that have become even more important given India's growing reliance on technology without adequate rule-making regarding oversight, responsibility and remedies³.

This article argues that although AI technology can make judicial administration more efficient, its use in or near the judicial decision-making process must remain subject to strict legal and procedural controls. Without safeguards, AI threatens to erode due process, diffuse responsibility and entrench a brand of automated coercion that is almost beyond the capacity of individual litigant challenge⁴. Hence, a doctrinal, and critical legal analysis of what AI can, but what should, be allowed to do within a constitutional legal order is needed.

CURRENT USE OF AI IN INDIAN COURTS

AI is not being used by Indian courts to determine outcomes of cases, it is currently being used as a helpful tool in various administrative capacities assisting courts, judges and their staff⁵. Government data states that the implementation of AI is to support efficiency, streamline justice and make it more accessible-but NOT to take over the judicial process from judges.

As part of e-Courts Project Phase III, a few AI-driven tools have either been launched or are undergoing pilot stage. A case-processing assistant called SUPACE (Scheme for Understanding Processing of Cases Efficiently) that can mine case records to bring out the required facts to judges, SUVAAS (Supreme Court Virtual Assistant for Accelerated Settlement) which is intended for translations and language support, which can translate judgements into different languages. Court proceedings are being transcribed with speech

³ NITI Aayog, Government of India, Principles for Responsible AI (Feb. 2021), <https://www.niti.gov.in/sites/default/files/2021-02/Responsible-AI-22022021.pdf>.

⁴ Shruti Kumari, The Role of Artificial Intelligence in Modern Courts: A Tool of Transformation or a Threat to Justice? (June 14, 2025), SSRN, <https://ssrn.com/abstract=5294742>.

⁵ Press Information Bureau, Government of India, Use of Artificial Intelligence in Legal Field (Nov. 19, 2025), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2202159®=3&lang=1>.

recognition software such as SHRUTI and with voice to text software PANINI which helps judges to make dictations of notes and orders in regional languages. AI-powered chatbots and online legal information services are used for educating litigants on judicial processes and cases tatus.

These applications aim at lessening administrative load on judges and court officials, enhancing information processing efficiency, and improving access to certain functions of the courts. For instance, translation and transcription applications can aid parties and legal representatives who might not be comfortable with English and case-management systems could assist courts in managing filings, hearings, and time limits more efficiently. The government has also mentioned that funds have been provided to support the development of additional technologies within the courts, including AI applications -as part of its overall program to modernize the judiciary⁶.

Despite these efforts, official accounts suggest that AI is currently not being applied in any decision-making aspect of judicial processes. The role of judges remains to interpret the law, weigh the evidence, and provide well-reasoned judgments. AI software serves to present information, summaries or recommendations but does not serve as an authority for final orders or decisions to cases⁷. The preservation of this dividing line seems crucial in view of an institutional recognition that the process of adjudication remains ultimately a human endeavor, and is not automatable in a manner that will avoid fundamental legal issues.

Still, the line between a court's use of assistance and a court's use of influence can be razor thin. If judges come to depend too greatly upon AI summaries, predictions, and research products, then those products can influence what a court believes about certain facts or arguments. The legal ramifications of the deployment of AI in courtrooms cannot be easily brushed aside just because the official stance is that AI is not a "decision-maker." What matters is not only whether a court formally possesses decision-making authority, but also how court operations are affected by these automated technologies.

⁶ Press Information Bureau, Government of India, Integrating AI in India's Judiciary and Law Enforcement (Oct. 31, 2025), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2106239>.

⁷ Press Information Bureau, Government of India, Use of Artificial Intelligence in Legal Field (Nov. 19, 2025), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2202159®=3&lang=1>

LEGAL AND CONSTITUTIONAL CONCERNS

The core problem with using AI in the legal field is not whether it can accelerate processes, but whether it can do so without degrading procedural safeguards for justice and dignity. A trial cannot be divorced from its process. So, the question when AI enters the judicial arena must be examined against the fundamental legal values on which judgment in a constitutional republic is based.

The first issue is that of due process. A litigant has the right to understand how a ruling affecting rights or liberty has been reached. If judges use AI summaries, rankings or predictions that operate as black boxes, the decision-making rationale can become obscured from parties. This could lead to the inability of parties to fully understand and contest a particular viewpoint of the court. This problem would be more critical in India, where reasoned orders have been at the very core of fair procedure and the appellate process⁸.

The second issue is fairness and non-discrimination. AI learns from data, and often this data represents historically existing societal and institutional bias. If court data in history shows bias in how particular people or groups are treated, an AI system might learn and repeat that same pattern rather than helping to overcome it. Since courts and the legal system are already committed to the concepts of equal treatment under the law (Article 14) and a fair system (Article 21), an indirect bias in a tool judges or court staff rely on can raise issues of constitutional relevance⁹. There is risk of both explicit discrimination and more insidious establishment of biased reasoning.

Third, transparency and explainability: judicial decisions are not supposed to be about speed but rather justification. A judge has to be able to say why it was better to choose one legal interpretation over another. AI often uses statistical association rather than legal rationale. If we accept this black box output, then even when its outcome can be relied upon, we still don't have access to information explaining why it did. By relying on this kind of AI tool without disclosing or investigating its role in the judicial decision-making process, one increases the difficulty of evaluating whether reasoning process and the subsequent decision are legitimate. This also affects appellate review, because a court cannot effectively review a decision if the role of AI in the reasoning process is unclear¹⁰. A related issue is judicial independence and discretion. Judges do not and are not expected to decide each case entirely anew but

⁸ Shruti Kumari, *supra* note 4

⁹ DAKSH & Digital Futures Lab, *AI for Justice: Ethical, Fair and Robust Adoption in India's Courts* (2026), <https://www.dakshindia.org/ai-for-justice-ethical-fair-and-robust-adoption-in-indias-courts/>.

¹⁰ Shruti Kumari, *supra* note 4

independent decision-making is expected. If an AI is dictating the way judges frame the question, choose to rely on particular authorities or make assessments of risk, the risk is a subtle form of delegation, rather than all use of AI being problematic. The constitutionally relevant question is not who signs the final order but whether the human mind remains in substantial control of the reasoning. Even if the AI is merely assistive, habitual use of it is likely to frame judicial conceptions of issues and analysis in such a way as to create dependence in addition to any possibility of direct delegation¹¹.

Lastly there is the concern over privacy and accountability. Judicial data is extremely private. When court records are used to train a program or integrate the program into court administration, problems of data maintenance, access and misuse arise. Additionally when the system offers up flawed or biased output, it is unclear as to where culpability lies: is it the court, the judge, the vendor or administrative entity who installed the system? Such ambiguity of blame has consequences, as attribution of rights and liabilities are an essential component of adjudication¹².

Taken together, these issues illustrate that AI in courts is less of a technological problem and more of a legal one. The crucial dilemma is to harness productive tools to administer justice efficiently without compromising the procedural ideals which render judicial power lawful. If this balance is not struck, then AI will deliver efficiency while at the same time corroding the bases of judicial power. These problems, however, should not lead to the exclusion of AI from the courtroom but should instead lead to its implementation with defined legal parameters. We are in need of a system that maintain human discretion, transparency and judicial decisions' accountability to the Constitution.

RECOMMENDATIONS

The above described issues, however, are not sufficient for banishing the use of AI in the Indian courts, but they indicate the need of using the AI only within a well defined legal framework. To start, AI should be exclusively used as an aid. Ultimately, decisions must be made by the judge, and the decision making process must not be a system which replaces judicial application of mind on question of law, evidence or reasoning. Secondly, where AI is used as a tool of assistance, its use should be transparent, so that where it influences the judicial work such as providing summary of evidence, making prediction or suggestions, parties could know

¹¹ Shruti Kumari, *supra* note 4.

¹² AI for Justice, *supra* note 9.

that AI tool was being used and how it was used. It would preserve the judicial fairness and an effective review process. Thirdly, AI tools must be independently audited for biases and reliability rather than adopting them just because they are efficient. Data produced by the courts needs to be protected with great care and with defined rules about storage, access and misuse as such data might be confidential and very sensitive. Fourthly, there has to be accountability of an AI tool producing erroneous results which affect the judge's decision, which cannot be spread on the judge, administration and private vendor of the software, otherwise how a judicial decision will be tested in the court of appeal. Fifthly, judges and judicial staff should be trained for understanding the limitations and scope of an AI tool and AI adoption in Indian courts should not be an internal administrative matter but it should be under supervision¹³. Efficiency should not come at the expense of constitutional justice and transparency¹⁴.

CONCLUSION

The infusion of artificial intelligence into Indian judicial administration will not be confined to formal approvals but must inevitably call into question the role it plays in judicial reasoning. Even where it is confined to assisting rather than undertaking judicial tasks, the fact remains that it plays an influential role in fact categorization, selection of sources and methods of reasoning. Thus, what must be decided in India is not whether artificial intelligence should enter Indian courts but under what constraints it may be admitted so as not to undermine fundamental constitutional values. The practice of judging must always be rooted in human discretion, reasoning and due process. Artificial intelligence, unchecked, must inevitably tend to erode due process, dilute responsibility, and generate nont-transparent processes. Therefore, it is not ethics that underpins rights-based judicial adjudication. In order to create conditions within which rights can remain protected while the use of AI is permitted in judicial adjudication it is essential that clear rules are made for disclosure, auditability, data privacy and human override. While it may assist the process, judicial discretion must necessarily remain human, as legitimacy in judicial decision-making is anchored in transparency, accountability and reasoning

¹³Integrating AI in India's Judiciary and Law Enforcement, supra note 6.

¹⁴ AI for Justice, supra note 9.