

# Artificial Intelligence in Indian Courts: Due Process and the Constitutional Limits of Judicial Decision-Making

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**Abstract:** The India's courts labour under one of the largest case backlogs in the world, and the promise of artificial intelligence to help clear it is correspondingly seductive. Yet the same technology that can transcribe a deposition or translate a judgment can also, in other hands, score a defendant's dangerousness or predict the outcome of a case, and the constitutional stakes of the two uses could not be more different. This article distinguishes assistive judicial AI from decisional judicial AI and asks where the Constitution requires the line between them to be drawn. It argues that the right to a fair trial under Article 21, the guarantee against arbitrariness under Article 14, the settled duty of courts to give reasons, and the requirement that a person adversely affected be heard together entail a constitutional baseline that no automated system may cross, namely that the decision, and the reasons that justify it, must remain the work of a human judge. Measured against that baseline, India's present trajectory is largely sound, for the tools deployed so far, from SUPACE and SUVAS to live transcription, are assistive rather than decisional, and the Kerala High Court's 2025 policy and the Supreme Court's 2025 White Paper have expressly confined AI to administrative, research, and translation functions while insisting on human verification. The danger lies not in present design but in future drift, as the pressure of pendency tempts the system toward opaque, biased, or outcome-predictive tools, and as automation bias threatens to reduce the human in the loop to a rubber stamp. Drawing on the cautionary experience of risk-assessment algorithms abroad and the emerging classification of judicial AI as high-risk, the article proposes a constitutional framework of human-in-the-loop decision-making, transparency and contestability, bias auditing, and a uniform national standard, to hold the line that India has so far rightly drawn.

**Keywords:** artificial intelligence; administration of justice; Article 21; due process; algorithmic opacity; human-in-the-loop

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## 1. Introduction

More than five crore cases are pending before the courts of India, a backlog so vast that, at the present rate of disposal, generations would pass before it cleared. Against that grim arithmetic, the appeal of artificial intelligence is obvious. A system that can transcribe a witness's deposition in real time, translate a judgment into a litigant's mother tongue, or surface the relevant precedents from a mountain of paper promises to return to overburdened judges the one resource they most lack, which is time. The Indian judiciary has begun, cautiously, to accept that promise, and the first generation of judicial AI tools is already at work in its courtrooms.

The promise, however, conceals a distinction on which everything turns. There is a profound difference between an artificial intelligence that helps a judge decide and an artificial intelligence that decides. The former transcribes, translates, and retrieves, leaving the act of judgment untouched; the latter scores a defendant's risk of reoffending, predicts the outcome of a dispute, or recommends a sentence, and in doing so begins to displace the human deliberation that the rule of law assumes. The experience of jurisdictions that crossed this line is sobering. In the United States, the use of a proprietary risk-assessment algorithm to inform sentencing produced a constitutional challenge in *State v. Loomis*, where a defendant complained that he had been sentenced with the aid of a tool whose workings neither he nor the court could inspect [2]. That is the shape of the danger, and it engages the deepest commitments of the Indian constitutional order, for a decision that affects life and liberty must, under Article 21 and Article 14 of the Constitution, be fair, non-arbitrary, reasoned, and made after the affected person has been heard [1].

The thesis of this article is that the Constitution draws a line that no judicial AI may cross, and that the line is the act of decision itself. A human judge must make the decision and must give the reasons that justify it; an algorithm may assist but may not decide. India has, so far, drawn this line correctly. Its deployed tools are assistive, and both the Kerala High Court's 2025 policy

and the Supreme Court's 2025 White Paper have insisted that judges remain the ultimate decision-makers and that AI be confined to administrative, research, and translation work [4], [3]. The argument here is not that India has gone wrong, but that the line it has drawn is presently a matter of policy and prudence rather than of articulated constitutional principle, and that the pressure of the backlog will test it. The article seeks to give the line a constitutional foundation in the law of due process, so that it may hold when the temptation to automate judgment grows.

## 2. Review of Literature

Discuss The scholarship on algorithmic decision-making in public institutions begins from a single concern: that consequential decisions are increasingly delegated to systems whose reasoning cannot be examined. Danielle Citron gave this concern its constitutional form in her account of technological due process, arguing that the migration of governmental decisions into automated systems erodes the procedural protections, notice, explanation, and the opportunity to be heard, on which the legitimacy of those decisions depends, and that new safeguards are needed to reconstruct them [5]. Frank Pasquale's study of the black-box society broadened the diagnosis to the wider apparatus of opaque algorithmic authority and supplied the metaphor that now dominates the field [6].

A second body of work addresses the specific question of automation in adjudication. Aziz Huq has argued against the grain of efficiency-driven enthusiasm, that there may be an affirmative interest in a human decision, an interest distinct from accuracy and rooted in the dignity of being judged by a person who can be held to account [7]. Rebecca Wexler exposed how the proprietary secrecy of forensic and risk-assessment software collides with the defendant's right to confront the evidence against her, since a trade secret cannot be cross-examined [8]. Richard Re and Alicia Solow-Niederman mapped the trade-offs of what they called artificially intelligent justice, warning that the gains in consistency and speed may come at the cost of the equitable, individualized, and transparent qualities that

distinguish adjudication from administration [9]. The common conclusion of this literature is not that technology has no place in courts, but that the decisional core of adjudication resists automation in a way that its peripheral tasks do not.

The Indian commentary, by contrast, has been largely descriptive, cataloguing the tools the judiciary has adopted and noting in general terms the risks of bias, hallucination, and opacity, without yet anchoring the limits of judicial AI in the specific doctrines of Indian constitutional due process. The reasoned-decision requirement, the guarantee against arbitrariness, and the fair-trial dimension of Article 21 are rich resources for this purpose, but they have not been systematically brought to bear on the question of where, as a matter of constitutional law rather than administrative policy, the use of AI in adjudication must stop. Supplying that constitutional analysis is the contribution of this study.

### 3. Research Objectives

The study has three objectives. The first is to identify the constitutional norms, drawn from Articles 14 and 21 and the allied doctrines of natural justice, that govern the making of a fair judicial decision in India. The second is to assess the present use of artificial intelligence in the Indian judiciary against those norms, and to locate the line between permissible assistance and impermissible automation. The third is to propose a constitutional and institutional framework that secures the assistive-only character of judicial AI and guards against the drift toward decisional automation.

### 4. Research Questions

Three questions guide the inquiry. First, what does the Indian constitutional law of due process require of a judicial decision, and which of those requirements are threatened by the automation of adjudication? Second, do the artificial-intelligence tools currently deployed in Indian courts respect those requirements, and where does the constitutionally significant boundary between assistance and decision fall? Third, what safeguards, constitutional and institutional, are needed to ensure that the use of AI in the administration of justice enhances rather than erodes the fairness, transparency, and accountability of adjudication? The study is doctrinal and normative and does not advance empirical hypotheses.

### 5. Research Methodology

This is a doctrinal, constitutional, and comparative study. It draws on the text of the Constitution and the jurisprudence of the Supreme Court on fair procedure, the duty to give reasons, and access to justice; on the policy instruments of the Indian judiciary, including the Kerala High Court's 2025 policy and the Supreme Court's 2025 White Paper; on comparative materials, principally the American experience with risk-assessment algorithms and the European classification of judicial AI as high-risk; and on the scholarly literature on algorithmic governance. The constitutional method is used to derive the norms that a fair decision must satisfy; the doctrinal method is used to test the present and foreseeable uses of judicial AI against those norms; and the comparative method is used to learn from jurisdictions that have confronted decisional automation. The study confines itself to the use of AI within the adjudicative process and does not address its use in policing, prosecution, or prison administration, each of which raises distinct questions. Its principal limitation is that the technology and the judiciary's response to it are both evolving rapidly, so the analysis describes a position that is in motion.

### 6. Legal and Analytical Discussion

#### 6.1 The Constitutional Architecture of a Fair Decision

A judicial decision in India must satisfy a set of constitutional requirements that, taken together, define what it means for justice to be done. The foundational requirement flows from Article 21, which, since *Maneka Gandhi v. Union of India*, has been read to demand that any procedure depriving a person of life or liberty be fair, just, and reasonable rather than arbitrary or fanciful [10]. Allied to it is Article 14, whose guarantee of equality has been understood to forbid arbitrariness in State action of every kind, so that a decision reached by an opaque or capricious process offends the equality clause as much as the liberty clause. These provisions do not merely regulate the outcome of adjudication; they regulate its manner.

From this foundation flow three more specific requirements, each of which bears directly on the automation of judgment. The first is the duty to give reasons. The Supreme Court has held, in *Kranti Associates v. Masood Ahmed Khan* and a long line of allied authority, that a decision affecting rights must be supported by reasons, because reasons are the means by which arbitrariness is excluded, the affected party is enabled to know why she has lost, and the decision is rendered amenable to appeal and review [11]. A reason that cannot be articulated is, for legal purposes, no reason at all. The second is the right to be heard, the principle of *audi alteram partem*, which requires that a person know the case against her and have a meaningful opportunity to answer it. The third is access to justice, recognised in *Anita Kushwaha v. Pushap Sudan* as a facet of the rights guaranteed by Articles 14 and 21, which entails not merely the existence of a forum but the assurance that the forum decides through a fair and comprehensible process [12]. To these may be added the privacy interest articulated in *Puttaswamy*, engaged whenever the sensitive data of litigants are processed by automated systems [13]. The point of cataloguing these requirements is to show that the act of judgment is hedged about with constitutional conditions, and that any technology proposing to perform that act must satisfy them all.

#### 6.2 The Indian Landscape: Assistive, Not Decisional

Measured against that architecture, the artificial intelligence presently at work in Indian courts is strikingly modest in its ambitions, and deliberately so. The Supreme Court Portal for Assistance in Court Efficiency extracts facts and precedents from voluminous records to support a judge's research, but it makes no decisions; the Supreme Court Vidhik Anuvaad Software translates judgments into Indian languages through a human-supervised workflow; live transcription tools render oral proceedings into searchable text; and speech-to-text systems record witness depositions in the trial courts. Each of these operates on the periphery of adjudication, easing the mechanical burdens of research, language, and record-keeping while leaving the deliberative core untouched [3].

The institutional response has reinforced that confinement rather than relaxing it. The Kerala High Court, the first in the country to issue a binding policy on the subject, restricted artificial intelligence in the district judiciary to administrative, research, and translation functions, prohibited its use for judicial reasoning, the making of findings, the issuing of orders, the drafting of judgments, or the prediction of outcomes, required judges to evaluate any AI output critically, and forbade the uploading of confidential material to external platforms [4]. The Supreme Court's White Paper on artificial intelligence and the judiciary, issued in 2025, took the same line at the national level, positioning AI as an assistive technology, insisting that judges remain the ultimate decision-makers with every output subject to human verification, and recommending closed in-house systems over public consumer tools together with transparency obligations whenever courts rely on AI [3]. India has thus drawn, as a matter of declared policy, exactly the line that this article

contends the Constitution requires. The argument of the sections that follow is that this policy line needs a firmer foundation, because the forces pressing against it are real.

### **6.3 The Threat in Three Forms: Opacity, Bias, and Automation Bias**

The threat that decisional AI poses to the constitutional architecture takes three forms. The first is opacity. A complex model's reasoning is frequently inscrutable, so that a decision shaped by it cannot be explained in the way the duty to give reasons demands, and cannot be meaningfully contested by the party it harms. This is the precise vice that the duty to give reasons exists to prevent, and it is incurable so long as the model remains a black box. The second is bias. A system trained on historical data inherits the prejudices embedded in that data, and may reproduce them under a veneer of mathematical objectivity, which is constitutionally intolerable under Article 14, all the more so because the bias is laundered through a process that presents itself as neutral. The much-criticised use of risk-assessment software abroad, where independent analysis suggested systematic racial disparities in the scores assigned, is the standing illustration of this danger.

The third threat is the most insidious because it can corrupt even a system designed to keep humans in command. Automation bias is the well-documented tendency of human operators to defer to the outputs of automated systems, especially when those outputs are presented as authoritative and the human is harried and overworked. A judge facing an impossible docket, handed an algorithmic recommendation clothed in the appearance of objectivity, may ratify it without the independent scrutiny that the law assumes, so that the human in the loop becomes a rubber stamp and the safeguard becomes a formality. That this is not a hypothetical concern is shown by the Indian judiciary's own recent encounters with the failure of even assistive tools. Courts have had to recall or reject decisions and pleadings founded on case law that did not exist, fabricated by generative systems and accepted on trust, prompting the Bombay High Court to warn, in a matter where a quasi-judicial authority had relied on three non-existent decisions, that the outputs of such systems must be cross-verified and never blindly relied upon [15]. The first reported use of a generative tool by an Indian judge, who consulted it for a comparative view of bail jurisprudence, was accompanied by an express disclaimer that the exercise had no bearing on the reasoning or the result, a caution that itself reveals an awareness of the danger [14]. If assistive tools can mislead, decisional tools, trusted to decide, would do so with far graver consequences.

### **6.4 Comparative Analysis: Loomis, the High-Risk Classification, and the Global Caution**

The comparative experience confirms the wisdom of the line India has drawn. The leading cautionary tale remains the American use of risk-assessment instruments in sentencing. In *State v. Loomis* the Wisconsin Supreme Court upheld a sentence informed by such a tool but hedged its approval with significant warnings, requiring that judges be told of the tool's limitations, including the proprietary secrecy that prevented scrutiny of how the score was produced and the studies questioning its accuracy across racial groups [2]. The decision satisfied no one: critics objected that a defendant cannot meaningfully challenge a score he cannot inspect, and that judicial warnings are a feeble substitute for transparency, while the episode demonstrated how readily an instrument introduced as a mere aid migrates toward the centre of a consequential decision.

The regulatory response elsewhere has been to treat judicial AI

as inherently high-risk. The European Union, in its Artificial Intelligence Act, classifies systems intended to assist a judicial authority in researching and interpreting facts and the law, and in applying the law, as high-risk, subjecting them to stringent obligations of transparency, human oversight, and accuracy [16]. Other jurisdictions that have gone furthest in deploying AI in courts have nonetheless stopped short of automating the decision, insisting that the technology recommend rather than rule and that the judge retain final authority. The convergence is notable: across very different legal systems, the act of judgment is being walled off from automation, and the safeguards cluster around transparency, human control, and the capacity of the affected party to understand and contest. India's assistive-only posture is not an outlier but an instance of an emerging global consensus, and the task is to entrench it.

### **6.5 A Constitutional Baseline for AI in Indian Courts**

The framework this article proposes rests on a single constitutional proposition: that the act of judicial decision, and the articulation of the reasons that justify it, must remain the work of a human judge, because the duty to give reasons, the guarantee against arbitrariness, the right to be heard, and the fair-trial content of Article 21 cannot be discharged by a system that cannot explain itself and cannot be held to account. From this proposition five safeguards follow.

First, human-in-the-loop decision-making should be recognised not as a matter of administrative prudence but as a constitutional minimum, with the corollary that the human role must be substantive rather than nominal, so that the safeguard is not defeated by automation bias. A judge who merely ratifies an algorithmic output has not decided within the meaning the Constitution requires. Second, outcome-predictive and risk-scoring tools that purport to recommend the disposition of a case or the dangerousness of a person should be kept out of the adjudicative process altogether, as both the Kerala policy and the better comparative practice already counsel, because such tools invite the very abdication the first safeguard forbids. Third, transparency and contestability should be guaranteed: wherever an AI system has materially assisted a court, the fact and nature of that assistance should be disclosed, so that the affected party can test and challenge it, for an undisclosed influence on a decision is incompatible with the right to be heard. Fourth, any tool deployed in the judicial system should be explainable, auditable, and subjected to regular testing for bias and accuracy, and should run on closed, secure systems that protect the confidentiality of litigants' data, consistently with the privacy interest recognised in *Puttaswamy* [13]. Fifth, the present patchwork, in which one High Court has a policy and others do not, should give way to a uniform national framework articulated by the Supreme Court, so that the constitutional baseline applies equally across the country rather than varying with the forum. The India AI Governance Guidelines, with their insistence on human oversight for high-stakes applications, supply a congenial policy backdrop for such a framework [17]. So constructed, the framework would not impede the genuine and valuable assistance that AI can render to an overburdened judiciary; it would ensure that the assistance never hardens into a substitute for the human act of judging.

### **7. Findings and Observations**

Three findings emerge. First, the Indian constitutional law of due process, comprising the fair-trial content of Article 21, the guarantee against arbitrariness in Article 14, the duty to give reasons, and the right to be heard, entails a baseline that the act of judicial decision and its justifying reasons must remain human, a baseline that opaque, biased, or outcome-predictive automation cannot satisfy. Second, India's present use of judicial AI respects

that baseline, for its tools are assistive and its institutional policies, exemplified by the Kerala High Court's 2025 policy and the Supreme Court's 2025 White Paper, expressly reserve decision-making to human judges. Third, the principal risk is prospective rather than present, arising from the pressure of pendency, the seduction of efficiency, and the corrosive effect of automation bias, and it is best met not by relying on policy alone but by anchoring the assistive-only line in articulated constitutional principle.

## 8. Suggestions and Recommendations

Four recommendations follow. First, the Supreme Court should articulate, and the High Courts should apply, the principle that human-in-the-loop decision-making is a constitutional requirement flowing from Articles 14 and 21 and the duty to give reasons, and not merely a matter of administrative policy. Second, outcome-predictive, risk-scoring, and sentence-recommending tools should be excluded from the adjudicative process, while assistive tools for research, translation, transcription, and case management are encouraged under appropriate safeguards. Third, courts should be placed under a duty to disclose any material reliance on AI assistance and to ensure that deployed tools are explainable, auditable, regularly tested for bias, and operated on secure closed systems that protect litigant confidentiality. Fourth, the present patchwork of High Court practice should be replaced by a uniform national framework issued by the Supreme Court, so that the constitutional baseline governs the use of AI in every court in the country. These measures would preserve the efficiency gains of assistive AI while securing the fairness, transparency, and accountability that the administration of justice demands.

## 9. Conclusion

The backlog that burdens India's courts is real, and the desire to enlist artificial intelligence against it is understandable and, within limits, welcome. But the limits are not arbitrary. They are set by the Constitution, which insists that a person be judged by a reasoning human who can explain the decision, answer for it, and be challenged on it, and that insistence cannot be satisfied by a machine that decides in silence behind a wall of code. India has, to its credit, kept its judicial AI on the right side of that line, treating the technology as an aid to the judge rather than a replacement for judgment. The argument of this article has been that the line should be fortified before it is tested, by recognising that it is not merely a sensible policy but a constitutional command. An algorithm may help a judge find the law, read the record, and understand the languages of the parties before her. It may not decide who is to be punished, who is to be believed, or who is to win, for that is the work of a human conscience accountable under the Constitution, and it is the part of the judicial function that no machine, however capable, may be permitted to assume.

## Ethical Statement

Not applicable. This is a doctrinal study based on publicly available legal materials and does not involve human participants, animals, or personal data.

## Conflict of Interest

The author(s) declare that there is no conflict of interest regarding the publication of this manuscript.

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