



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

The Digital Gavel: AI Integration, Procedural Fairness And Judicial Accountability In India

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Abstract

The paper explores the early applications of artificial intelligence in judicial proceedings by the Indian judiciary and specifically, the aspects of procedural fairness, accountability and algorithmic transparency. The recent efforts of the Supreme Court in developing SUPACE (legal research assistant), SUVAS (machine translation), TERES (speech-to-text) and LegRAA (legal drafting assistant) demonstrate how India is trying to use AI to be efficient. The paper discussed such significant changes as Bharatiya Sakshya Adhiniyam 2023 (new evidence law) and Digital Personal Data Protection Act 2023 (notably S.17) and evaluate them in relation to the influence on AI-aided justice. These domestic trends are compared with international frameworks: the EU's AI Act (classifying judicial AI as "high-risk" and demanding documentation), U.S. law (case law like *State v. Loomis* on risk-assessment tools, the *Mata v. Avianca* incident and confrontation-clause debates), Brazil's CNJ Normative Act (strict AI oversight and transparency mandates) and China's "Smart Courts" (AI Judges and Internet Courts under centralized supervision). The paper analyses the literature that mentions both positive aspects (efficiency gains) and negative ones (bias, lack of transparency, mistrust) in global judicial AI scholarship. This review reveals a weak point in the granular analysis of the regulatory stance in India relative to the AI fairness and rights. Finally, it suggests specific reforms: judicial Standard operating systems to responsibly use AI (e.g. enforced human-in-loop verification, audit trails), including changes in evidence and data legislation (making algorithms accountable and demand informed consent even with Section 17).

Keywords: Artificial Intelligence; Procedural Fairness; Judicial Accountability; Algorithmic Transparency; AI-Assisted Adjudication

Introduction

The introduction of AI technologies into the courtroom worldwide is likely to be efficient and provide access to a wider range of courts, but it raises serious concerns about fairness and validity. The judiciary in India, where there are more than 50 million pending cases, is under a lot of pressure to deliver justice as quickly as possible¹. New reforms (Phase III) of e-Courts have allocated large initial investments to ICT such as AI pilots, indicating hope that backlogs can be reduced by tools such as automated

¹ Press Information Bureau (Ministry of Law & Justice), Use of AI Based Digital Content in Judiciary (Dec. 5, 2025), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2199313> (last visited Jan. 12, 2026).

transcription, translation and legal analytics². Later in 2025, the Supreme Court of India also published a White Paper on AI and the Judiciary, stating that AI is needed as an aiding technology and must be controlled by humans³. Although Indian judges have started to apply AI-based tools on a trial basis (e.g. in *Jaswinder Singh v. Punjab, Md. Zakir Hussain v. Manipur*) The law is yet to fully keep up with this digital shift⁴ of Manipur. This paper poses the following question: What can be done to ensure procedural fairness, judicial accountability and transparency as the AI is being integrated into the Indian courts? We discuss the current AI technologies in India (SUPACE, SUVAS, LegRAA, etc.) and legal systems in progress (evidence and privacy legislation) and place them in the context of the global developments (EU AI Act, U.S. case law, Brazilian standards, Chinese smart courts).

Literature Review

In the legal research of AI at courts, there are works of technical reports, commentaries and comparative works. Surveys (UNESCO 2023, Stimson 2026) reflect the growing use of AI in judicial systems worldwide and the presence of warnings requiring governance models to control use⁵. The EU AI Act (2024) has received heavy scrutiny, where commentators point to its categorization of the systems administering justice as being of high risk, with strict documentation, human supervision and user rights (e.g. explanations to individuals)⁶. In America, the law studies due process (e.g. *State v. Loomis* on COMPAS) and the problem of evidentiary challenges (the *Mata v. Avianca*) The Avianca episode throws light on the AI hallucinations and the ethical responsibilities of lawyers⁷. The CNJ resolution 332/2020 (revised 2025), has been investigated as a court-level AI ethics framework, requiring transparency statements and human-in-loop protection⁸. Smart Courts in China have been in the spotlight due to heavy AI implementation by the state and the results of fairness are varied (e.g. Xiao Zhi AI assistant of Hangzhou Internet Court)⁹. The literature is immature in the Indian context. Kumari (2025) is a review of the AI tools (SUPACE, SUVAS) and judicial decision-making in India, proposing ethical protection¹⁰. Deployments such as transcription (Adalat AI), pilot robo-judge schemes¹¹, are listed in Tech-policy blogs and reports (Oxford Tech and Justice) and the risks of the deployment (hallucinated citations, bias, data leakage) and the demand to have the SC oversee them¹² are described in media coverage of the White Paper by the SC. Nevertheless, the statutory framework (evidence law, data protection) of India in relation to AI is not subject to much academic analysis. This is where the

² Prabhanu Kumar Das, Explained: How Indian Courts Are Using AI And Why The SC Wants Humans In The Loop, MediaNama (Dec. 4, 2025), <https://www.medianama.com/2025/12/223-supreme-court-ai-white-paper-indian-judiciary/> (last visited Jan. 12, 2026).

³ Explained: How Indian Courts Are Using AI And Why The SC Wants Humans In The Loop, supra note 2.

⁴ India, AI Justice Atlas, Oxford Institute for Technology & Justice, India | Increasing use of AI across the justice system (AI Atlas page) (Sept. 2025 update / viewed Sept.–Dec. 2025), <https://www.techandjustice.bsg.ox.ac.uk/research/india> (last visited Jan. 12, 2026).

⁵ Ibrahim Sabra (author), AI in Global Majority Judicial Systems, Stimson Center (Jan. 8, 2026), <https://www.stimson.org/2026/ai-in-global-majority-judicial-systems> (last visited Jan. 12, 2026).

⁶ European Commission, AI Act, Shaping Europe's Digital Future (AI Act overview page) (last updated Jan. 12, 2026 / page live Dec. 2025–Jan. 2026), <https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai> (last visited Jan. 12, 2026).

⁷ *State v. Loomis*, 371 Wis. 2d 235, 881 N.W.2d 749 (Wis. 2016) (Wisconsin Supreme Court July 13, 2016) (opinion available at Justia), <https://law.justia.com/cases/wisconsin/supreme-court/2016/2015ap000157-cr.html> (last visited Jan. 12, 2026).

⁸ *State v. Loomis*, 371 Wis. 2d 235, 881 N.W.2d 749 (Wis. 2016) (Wisconsin Supreme Court July 13, 2016) (opinion available at Justia), <https://law.justia.com/cases/wisconsin/supreme-court/2016/2015ap000157-cr.html> (last visited Jan. 12, 2026).

⁹ Sara Merken, New York lawyers sanctioned for using fake ChatGPT cases in legal brief, Reuters (June 26, 2023), <https://www.reuters.com/legal/new-york-lawyers-sanctioned-using-fake-chatgpt-cases-legal-brief-2023-06-22/> (last visited Jan. 12, 2026).

¹⁰ IDS (Dannemann, Siemsen & Co. / IDS English), Brazilian National Council of Justice approves new regulation for the use of artificial intelligence by the judiciary (Mar. 6, 2025), <https://ids.org.br/en/news-post/brazilian-national-council-of-justice-approves-new-regulation-for-the-use-of-artificial-intelligence-by-the-judiciary/> (last visited Jan. 12, 2026).

¹¹ India | Increasing use of AI across the justice system, supra note 4.

¹² Explained: How Indian Courts Are Using AI And Why The SC Wants Humans In The Loop, supra note 2.

gap lies, to which it is essential to conduct a thorough study between Indian practice and international standards on algorithmic justice.¹³

I.AI Adoption in the Indian Judiciary

India has also launched a number of AI-enabled court systems in the e-Courts system. The SUPACE (Supreme Court Portal to Assistance in Court Efficiency) of the Supreme Court is a machine-learning research assistant which generates pertinent precedents in long case records. Supreme Court Vidhik Anuvaad Software (SUVAS) offers judgement translation into Indian languages (currently 19 languages) through rule-based translation. Using AI, TERES (Technology Enabled RESolution) is a transcription system (e.g. live speech-to-text in Bench hearings) to generate correct records¹⁴. LegRAA (Legal Research Analysis Assistant) is an AI (trained on SC judgments) generating issue memo and headnote suggestions. Others are an AI e-filing scrutiny tool (identifying clerical flaws) and Saransh (NIC summarizer of pleadings). Grassroots adoptions such as Kerala's Adalat AI statewide transcription platform are being used on a state level¹⁵. Informally, judges across courts report applying ChatGPT or Google Bard to legal research, although the obvious qualifier is that this will not creep into decision-making¹⁶. It is interesting to note that there are still no formal nationwide guidelines; India has an e-Committee and a subcommittee of the e-Committee is a judicial AI subcommittee on technical standards, yet the official policy is still in its infancy¹⁷. The present deployments are highly regulated pilots; it is stressed in the media that judges are the final arbiters and that AI output must be verified by a human being.

II.Judicial accountability and procedural Fairness.

One such issue is procedural fairness in any case where AI informs or appears as a part of adjudication. Preliminary questions have already been fought in Indian courts. In Jaswinder Singh's Jassi v. State of Punjab (P&H HC, Mar. 27, 2023), Justice Anoop Chitkara made a specific inquiry to ChatGPT, inquiring it concerning global bail jurisprudence regarding "cruelty" assaults¹⁸, on a bail hearing. The summary of the AI which was predictably vague, was reported in order, but the judge insisted that this was not an expression of opinion on the merits of the case and should the trial court not advert to such comments. That is, ChatGPT was applied illustratively rather than determinatively and the judge reiterated the assumption of human judgment. Equally so, in Md Zakir Hussain v. State of Manipur (Manipur HC, May 23, 2024), ChatGPT was used to research the regulations of the research service where governmental information was unavailable, yet the Court did not delegate its rationale¹⁹. On the other hand, *Christian Louboutin SAS v. The Shoe Boutique* (Delhi HC Aug. 22, 2023), had been mentioned by counsel as having filed a trademark and was simply denied credence on that matter by Justice Pratibha Singh. The Court condemned that ChatGPT cannot be relied upon to adjudicate. That was a warning: the time when AI-generated data will be accurate and reliable is in grey area. AI will not be able to replace human intelligence or the humanity in adjudication. These decisions highlight a judicial cautiousness: although AI will help expand horizons, it should not replace judicial reasoning or serve as a means of undermining accountability.

It poses the question of responsibility: in case an AI result is used to make a decision, who is responsible? Judges stressed that any AI support will have to be reported and verified. This is strengthened by foreign

¹³ Id

¹⁴ Id.

¹⁵ Id.

¹⁶ India | Increasing use of AI across the justice system, supra note 4.

¹⁷ Use of AI Based Digital Content in Judiciary, supra note 1.

¹⁸ Jaswinder Singh @ Jassi v. State of Punjab & Anr., CRM-M-22496-2022 (High Ct. of Punjab & Haryana, Chandigarh) (reserved Feb. 21, 2023; pronounced Mar. 27, 2023), Neutral Citation No. 2023:PHHC:0445412 (PDF),

https://images.assettype.com/barandbench/2023-03/afc97b0f-40cb-4c2b-b1ff-968287df356c/Jaswinder_Singh_Jassi_v_State_of_Punjab.pdf (last visited Jan. 12, 2026).

¹⁹ India | Increasing use of AI across the justice system, supra note 4.

analogues. The U.S. Supreme Court has expressed the view that the due process can be involved when a defendant is unable to contest the reasons behind a sentence. In *In Loomis v. Wisconsin*, the court permitted the use of COMPAS (a proprietary risk tool) with very strict limitations: judges should not be able to be influenced only by obscure scores and the defendants should have the right to challenge factors. India is yet to have a similar doctrine but the spirit goes: fairness demands no blindsight of litigants by invisible algorithms. This is further complicated by DPDP Act, 2023 (S.17). Section 17(b) relieves the courts of a lot of the personal-data requirements in the cases where the processing of personal data is necessary for the exercise of judicial functions. This, on the one hand, preserves the independence of the judiciary by allowing courts to handle case-related information without seeking consent or permission under the Act; on the other hand, it raises concerns regarding the protection of individuals' privacy, as personal data disclosed in judicial proceedings may be processed or made part of public records without the safeguards otherwise mandated by the data protection framework.

III.Evidence laws and algorithmic Transparency.

Accountability is most important in the case of algorithmic transparency. EU, Brazil International best practices drive right to explanation and disclosure. EU AI act (2024) explicitly defines criteria of high risk on the application of AI in administration of justice (e.g. drafting rulings) which enforces requirements of stringent risk management, documentation, and traceability. Likewise, Articles 50 and 52 of the Act would compel the providers to notify users that they are engaging with an AI and that high-risk systems should be open to human supervision and keep records. The structure of India is not fully developed. The modernization of the evidence law as the Bharatiya Sakshya Adhiniyam, 2023 (BSA) provides, but does not specifically refer to AI-generated evidence yet. It does, nevertheless, support the digital evidence: Section 63 mandates that electronic record authentication certificates are employed each time there is a production of a digital document, in effect recreating the old regime of the Sec. 65B. Practically, an AI-written document (e.g. LegRAA brief) would require such certification to be admissible; this would assist in certifying that it is identical to court-approved productions and that it is not altered. The BSA therefore provides certain guardrails to documentary evidence.

The privacy protection is presented by the Digital Personal Data Protection Act, 2023 (DPDP Act). The most significant exception under Section 17(1)(b) is the exemption granted to courts and judicial bodies from most fundamental data protection obligations, such as purpose limitation and consent, when processing personal data necessary for the performance of judicial or quasi-judicial functions. However, unlike EU law, the provision does not expressly require disclosure, particularly in relation to automated decision-making, as reflected in the right to explanation and transparency under Article 52 of the EU AI Act. Thus, India may consider amending Section 17 of the Digital Personal Data Protection Act or its supporting rules to ensure that, at a minimum, internal audits are conducted and the use of automated analysis must maintain logs and should be able to provide summaries of AI-assisted reasoning, when asked to do so. Otherwise, the exemption may compromise the data rights of citizens.

IV.International Comparisons

European Union- The EU AI Act (2024) has a strong guideline of judicial AI governance. The Act would identify the tools in the administration of justice as high-risk, which would mandate that the providers perform pre-market testing on conformity and supervision by humans. To litigants, it offers transparency: Article 50 mandates that individuals be notified when AI systems are applied to them, while Article 52 enables affected persons to seek information regarding the use of such AI systems. Indian law presently lacks any comparable provision. The EU AI Act also imposes prohibitions on certain AI practices, such as social scoring and emotion recognition. In contrast, Indian law, under the Bharatiya Nyaya Sanhita, 2023 and the Information Technology Act, 2000 (Sections 66C-66D and 67A-67B), prohibits deepfake pornography and obscene content, but does not regulate or prohibit predictive criminal analytics. In comparison, the EU strictly forbids the use of emotional state recognition on

autopilot and requires its use to be sensitive²⁰, which India could adopt (to guard privacy of victims, children etc. against AI-revealed information).

United States: The U.S. practice is case-based. *State v. Loomis* (Wis. 2016) is original: the Wisconsin Supreme Court admitted COMPAS (a proprietary recidivism algorithm) into sentencing but placed very strict limits. It warned judges against unknown inputs and advised them to reveal general risk factors to defendants (even though the proprietary source code was not disclosed). This tension is similar to the one faced by India: unless the sources are open, parties have to rely on the black box. In *Mata v. Avianca* (S.D.N.Y. 2023), Defence counsel's uncritical use of AI to generate fake cases and courts to include those fake cases by Avianca contributed to sanctions. The presiding judge stated that AI-assisted research is acceptable provided that the lawyer confirms the authority provided - lawyers have a gatekeeping responsibility. These U.S. precedents highlight two principles, namely: (1) protection of algorithmic evidence (due process) and (2) professional responsibility in AI usage. India could also make it an enforceable rule that AI output is to be carefully vetted by judges and lawyers, possibly in judicial conduct rules.

Brazil: The Brazilian National Council of Justice (CNJ) has passed proactive AI laws. Normative Act 563 (which replaced Resolution 332 in 2025) requires that all AI applications within the judiciary should be open and regulated²¹. It entails the human control of any AI-influenced decision making where the judges are clearly stipulated that they will be the final decision-makers. The rules in Brazil have periodic audits, risk categorization (high/low) and prohibit some predictive applications (e.g. AI-based crime prediction or emotion-based analysis). There are also enforced interoperability and privacy-by-design. This reflects EU ideals and is specific to judicial requirements. India is much less prescriptive in structure: e-Courts AI does not have any Brazilian-style resolution or legal mandate of audits.

China: As part of its reforms, China has introduced AI in its so-called Smart Court campaign. Internet Courts (Hangzhou, Beijing, Guangzhou) are almost fully online whereby case filing and partial automated resolving of cases are performed through AI. Xiao Zhi AI by the Hangzhou Internet Court is an analyser of case facts and legal codes, which helps to evaluate evidence and recommend the severity of the sentence. In the year 2024, the Shenzhen Intermediate Court allegedly tested an AI (LLM) to support judicial reasoning²². The Evidence Rules in China even compel parties to report the use of AI by the courts, which is an effort to bring procedural transparency. Nonetheless, according to critical scholarship, AI in Chinese courts is controlled by the stringent Party supervision²³. The emphasis is made on efficiency and people based legitimacy, yet the final authority is held by the state. To verify our analysis, we believe that the judiciary in India is institutionally independent, unlike in China and should oppose any AI application that can undermine the principle of fairness (e.g. surveillance or covert algorithmic sifting of cases).

V. Doctrinal Implications and Debates

These comparisons provide fundamental dilemmas in digital jurisprudence. The place of human supervision is one of the controversies. AI has to be subordinated to the judges all over the world. It is required by the EU and Brazil, exhorted by the Indian judges. We agree that judicial AI has to be human in-the-loop²⁴. One more controversy is associated with free (open) and proprietary systems. The use of closed-source AI (COMPAS) is what has resulted in due process concerns, presented by lawyers and scholars in the United States. India has its own tools (SUPACE, LegRAA), but is either in-house (IIT/SCO pairs) developed or by NIC which makes them more trustworthy but does not ensure the

²⁰ AI Act, supra note 6.

²¹ Brazilian National Council of Justice approves new regulation for the use of artificial intelligence by the judiciary, supra note 10.

²² AI in Global Majority Judicial Systems, supra note 5.

²³ Id.

²⁴ Explained: How Indian Courts Are Using AI And Why The SC Wants Humans In The Loop, supra note 2.

transparency of algorithms. The proprietary analytics of the individual vendors have not yet been presented in court (as it usually happens in the U.S. or China).

There is a risk of legal stasis and obscured justice, in case the human discretion is atrophied. This is what our analysis highlights, that this is a concern that many in the Indian judiciary have. The committee of e-Committee Chair (Bombay HC), stated that judges have to confirm AI results because of bias and data problems²⁵. India should also define standards (e.g. standards on expert evidence such as Daubert test in the U.S.) to admit algorithmic inputs, so that they are reliable and neutral.

VI. Findings and Suggestions

We propose that the attitude of India to judicial AI is immature and wary. The main conclusions are: (1) India has been actively developing AI tools to support research, translation and administration, but has no standard policy on their application in decision-making; (2) Courts are already self-regulating; examples of using ChatGPT have been accompanied by disavowals or rejection of judgment but this ad hoc approach cannot be sustained; (3) There are already high-quality models (EU, Brazil) and warning cases (Loomis, Mata) on which India can draw.

Based on this we propose the reforms and protocols we recommend the following:

- Courts SOPs regarding the use of AI: The High Courts and Supreme Courts ought to issue standard operating procedures regarding the use of AI tools. These might entail (a) formal disclosure in orders upon consultation of AI; (b) concatenation of AI-generated suggestions, (c) the log of AI output should be kept to allow appellate review. In the case of ChatGPT, as an example, a judge has to refer to human-published materials to prove his or her point before writing the sentence ChatGPT suggests.
- Regulatory Reforms: to change BSA and DPDP so that AI is specifically covered. The BSA 2023 might be enhanced with an algorithmic evidence clause: digital data e-certificates should not only be made with authenticity but also with the chain of processing in case AI transformations were made. The Section 17 of the DPDP Act can and must be reconsidered: judges are not obliged by a lot of rules, but the law must ensure that any automated ruling concerning an individual is accompanied by a transparent description, privacy policies and data-minimization principles.
- Rights-Based Governance Framework: India must implement some procedures AI-related rights of litigants. Similar to the EU right to explanation, the Indian courts ought to make sure that all automated reasoning that contributes to the judgment. Article 19(1) (g) (to assert violation of professional action) may require defence lawyers to reveal algorithmic logic. Bodies of judicial oversight (e.g. the e-Committee or suggested AI committee) ought to look after AI implementation on the basis of prejudice or imbalances and report the results on an intermittent basis to Parliament. An AI in Justice parliamentary review could also impose a time limit on the pilots at first and legislative changes (e.g. an AI in Courts Bill).
- International Best Practices: India is capable of borrowing aspects of other models. It must mandate high-risk AI audit logs such as those in the EU (recording all versions of training data and aspects of decisions). Based on the example of Brazil, every court would create an annual AI Transparency Report, which would include what systems it utilized, the number of cases that were assisted by AI and any incidents.

To sum up, India is at the crossroad: either India can be on the forefront of Global South in fair AI-enhanced justice, or fail to do it in case ethics fall behind technology. Through our analysis, we have seen that the Indian courts are conscientious but they need formal protection. India can attain its dual objectives of innovation and justice by incorporating algorithmic transparency and rights into its legal framework and learning lessons both by the EU and the U.S, as well as by Brazil and others.

²⁵ Use of AI Based Digital Content in Judiciary, supra note 1.