COMMONWEALTH LEGAL EDUCATION ASSOCIATION
(CLEA)

EXPERT COMMITTEE REPORT

DRAFT REGULATIONS FOR THE USE OF ARTIFICIAL INTELLIGENCE (AI) IN COURTS, 2026

Submission of Suggestions and Draft Recommendations to the Artificial Intelligence Committee, Supreme Court of India

Commonwealth Institute for Justice Education and Research (CIJER)
A research wing of the Commonwealth Legal Education Association (CLEA)

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REPORT

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SUBMISSION OF SUGGESTIONS AND DRAFT RECOMMENDATIONS TO THE ARTIFICIAL INTELLIGENCE COMMITTEE, SUPREME COURT OF INDIA

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President & Trustee, CLEA
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15.07.2026

PREFACE

The Supreme Court of India's own motto "यतो धर्मस्ततो जयः" *affirms that where there is dharma, there is victory. This submission proceeds from the conviction that the same is true of regulation: where there are wisdom and foresight in its design, there is justice in its application.*

The rapid advancement of Artificial Intelligence presents one of the defining opportunities and challenges for legal systems across the world. While AI has the potential to enhance judicial administration through improved efficiency, accessibility, and innovation, its integration into courts must always remain anchored in constitutional values, judicial independence, procedural fairness, transparency, and the rule of law.

Recognising both the transformative potential of Artificial Intelligence and the need for a principled governance framework, the Hon'ble Supreme Court of India, through its Artificial Intelligence Committee, released the **Draft Regulations for the Use of Artificial Intelligence (AI) in Courts, 2026** and invited comments from stakeholders across the country.

This initiative marks a significant milestone in India's journey towards the responsible integration of Artificial Intelligence within the justice delivery system and reflects the Supreme Court's commitment to ensuring that technological innovation remains firmly anchored in constitutional values, judicial independence, procedural fairness, transparency, accountability, and access to justice.

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The Commonwealth Legal Education Association (CLEA) welcomed this important initiative and recognised the consultation process as a unique opportunity for meaningful engagement between the judiciary, academia, legal professionals, technologists, and policy experts.

Considering the significance of the proposed regulatory framework, CLEA, through the Commonwealth Institute for Justice Education and Research (CIJER), in association with the Kerala Law Academy (KLA) and SGT University, convened a **National Consultation Round Table on the Draft Regulations for the Use of Artificial Intelligence in Courts, 2026** on **17 June 2026** in hybrid mode.

The Consultation sought to facilitate informed discussion on the Draft Regulations by examining their constitutional foundations, institutional architecture, operational mechanisms, and practical implications for the Indian judiciary. Participants represented a broad cross-section of stakeholders, including members of the judiciary, legal academics, technology experts, members of the Bar, researchers, policy specialists, and professionals engaged in the development and governance of Artificial Intelligence.

The deliberations during the National Consultation generated a wide range of thoughtful observations and recommendations on the Draft Regulations. These discussions were carefully synthesised into an initial consultation report, which was submitted to the Hon'ble Chairman of the Artificial Intelligence Committee of the Supreme Court of India and the Member Secretary as part of the national consultation process.

The complexity, breadth, and long-term significance of the Draft Regulations, however, indicated the desirability of a more comprehensive institutional study extending beyond the initial consultation. Pursuant thereto, the Commonwealth Legal Education Association constituted the **CLEA Expert Committee on the Draft Regulations for the Use of Artificial Intelligence in Courts, 2026**, comprising distinguished jurists, former judges, technology experts, legal scholars, and domain experts.

The Committee was entrusted with undertaking a comprehensive examination of the Draft Regulations through a clause-by-clause analysis, comparative study of international developments, stakeholder consultations, and detailed consideration of the constitutional, legal, institutional, and technological dimensions of Artificial Intelligence in the justice system.

This Report is the culmination of this consultative and collaborative process. It represents the considered institutional position of the Commonwealth Legal Education Association after extensive deliberation, research, comparative analysis, and expert engagement. While fully supporting the vision, objectives, and foundational principles embodied in the Draft Regulations, the Report seeks to contribute constructively by offering recommendations aimed at strengthening institutional mechanisms, enhancing operational clarity, improving implementation frameworks, reinforcing accountability, and ensuring that Artificial Intelligence continues to function as an instrument that supports, rather than supplants, the administration of justice.

It proceeds from the recognition that the Draft Regulations establish a thoughtful, balanced, and forward-looking framework for the responsible adoption of Artificial Intelligence within the Indian judiciary. Rather than proposing any departure from the fundamental philosophy of the Draft, this Report seeks to contribute constructively by identifying areas where greater clarity, operational guidance, institutional strengthening, and implementation mechanisms may further advance the objectives envisioned by the Hon'ble Supreme Court. Throughout this exercise, particular emphasis was placed upon preserving the constitutional role of the judiciary while enabling the responsible adoption of innovation capable of improving access to justice and judicial administration.

Structured in three integrated parts, the Report first addresses each of the discussion questions, thereafter consolidates those deliberations into specific provision-wise recommendations, and finally translates those recommendations into suggested drafting amendments capable of facilitating future consideration. This approach seeks not merely to comment upon the Draft Regulations but to contribute meaningfully to the development of a principled, practical, and future-ready regulatory framework for the responsible use of Artificial Intelligence in courts.

It is respectfully hoped that this Report will serve as a constructive contribution to the ongoing efforts of the Hon'ble Supreme Court of India in shaping a governance framework that promotes responsible innovation while preserving the enduring constitutional values that define the Indian justice system. The Commonwealth Legal Education Association remains committed to supporting initiatives that strengthen judicial institutions, advance legal education and research, and contribute to the development of an accessible, transparent, accountable, and technologically resilient system of justice.

With Warm Regards,

Prof. (Dr.) S. Sivakumar
President, CLEA
Chairman, CLEA Expert Committee
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ACKNOWLEDGMENT

Every meaningful institutional report is the product of many conversations before it becomes a written document. This Report is no exception. It represents the culmination of a collaborative process of consultation, reflection and interdisciplinary engagement undertaken with the shared objective of contributing constructively to the development of a principled framework for the responsible use of Artificial Intelligence in the administration of justice.

The Commonwealth Legal Education Association (CLEA) respectfully places on record its sincere gratitude to the Hon'ble Supreme Court of India for initiating the National Consultation on the Draft Regulations for the Use of Artificial Intelligence (AI) in Courts, 2026. By inviting comments and suggestions from stakeholders across the disciplines, the Hon'ble Supreme Court has provided an important opportunity for collaborative engagement on the future governance of Artificial Intelligence.

CLEA organised a National Consultation Round Table on the Draft Regulations for the Use of Artificial Intelligence in Courts, 2026 on 17 June 2026 in hybrid mode, in association with Kerala Law Academy and SGT University, both of which are academic partners of CLEA through institutional Memoranda of Understanding. The consultation was coordinated with the invaluable support of **Professor (Dr.) Anil Kumar**, Director (Administration & Faculty Affairs), Kerala Law Academy, and **Professor (Dr.) Richa Chaudhary**, Dean, Faculty of Law, SGT University. Their leadership and institutional coordination were instrumental in the successful organisation and conduct of the consultation. The consultation brought together members of the judiciary, legal academics, members of the Bar, technology experts, researchers, policymakers and students from across the country.

Recognising that the questions raised by the Draft Regulations deserved a broader and more sustained institutional examination, further study was undertaken under the leadership of **Professor (Dr.) S. Sivakumar,** President of the Commonwealth Legal Education Association (CLEA) and Project Chairman of this initiative. We record our profound gratitude for his vision, leadership and unwavering commitment in conceptualising this endeavour, by constituting the CLEA Expert Committee on the Draft Regulations for the Use of Artificial Intelligence in Courts, 2026 in consultation with eminent experts. We were privileged to benefit from the collective wisdom, scholarship and distinguished experience of its members: **Hon'ble Mr. Justice**

Anilkumar Sinha, Former Judge, Supreme Court of Nepal; **Professor (Dr.) Mizanur Rahman**, Former Chairman, National Human Rights Commission of Bangladesh; **Dr. T. K. Viswanathan**, Former Secretary General, Lok Sabha; **Dr. Gulshan Rai,** Former National Cyber Security Coordinator, Government of India & Former Director General, CERT-In; and **Mr. Loknath Behera**, IPS (Retd.), Former Director General of Police, Kerala and Managing Director, Kochi Metro Rail Limited. Their diverse experience across constitutional law, judicial administration, cybersecurity, public policy and governance enriched every stage of the Committee's deliberations and shaped the recommendations contained in this Report.

We are particularly grateful to **Ms. Nabila Zehra**, Chief Coordinator of the CLEA Expert Committee on the Draft Regulations for the Use of Artificial Intelligence in Courts, 2026, and Head, Publications and Research, Commonwealth Institute for Justice Education and Research (CIJER), for coordinating the work of the Committee with dedication and care. We also acknowledge the dedicated research assistance provided by **Mr. Sharyaurai Riang, Ms. Sheenam Thakur** and **Mr. Avadhesh Deo Pandey**, Doctoral Scholars at the Indian Law Institute (ILI), New Delhi. Their collective efforts in facilitating consultations, collating expert views, undertaking research, coordinating drafting were central to the successful preparation of this Report. This Report also reflects CLEA's continuing commitment to advancing scholarship at the intersection of law, technology and justice. The Association has worked to strengthen legal education and judicial dialogue across the Commonwealth and the present Report forms part of this continuing endeavour and accompanies CLEA's forthcoming scholarly publication on Artificial Intelligence

The Report reflects a collective endeavour, shaped by thoughtful dialogue, diverse perspectives and a shared commitment to strengthening the administration of justice. It is in that spirit that CLEA respectfully presents this Report, with the hope that it will contribute to ensuring that the future of Artificial Intelligence in Indian courts remains firmly anchored in the enduring ideals of justice, judicial independence and the rule of law.

- **Dr. Ruchi Sharma D**
Joint General Secretary, CLEA & Director, CIJER
Coordinator, CLEA Expert Committee on the
Draft Regulations for the Use of Artificial Intelligence in Courts, 2026

EXECUTIVE SUMMARY

This submission responds to the National Consultation invited by the Supreme Court of India on the Draft Regulations for the Use of Artificial Intelligence in Courts, 2026 ("the Draft"). It is offered in three parts, each performing a distinct function within a single, coherent argument. Part I answers, in sequence, each of the ten discussion questions framed for the consultation, developing the reasoning that underlies every recommendation that follows. Part II consolidates that reasoning into a discrete set of specific, provision-linked recommendations, so that each proposal can be traced back to the clause of the Draft it is intended to strengthen. Part III gives those recommendations legal form, as a marked redraft running from Chapter I (Preliminary) to Chapter X (Miscellaneous), so that the Court and the drafting committee have before them not merely argument but adoptable text.

The submission's central thesis is that the Draft is, in its architecture and its underlying values, sound and timely. It correctly locates artificial intelligence as an assistive technology subordinate to judicial authority rather than a substitute for it, and it correctly identifies human primacy, judicial independence, due process, fairness, non-discrimination, transparency, privacy and access to justice as the constitutional touchstones against which every deployment of AI within the justice system must be tested. This submission does not, therefore, propose to alter that architecture. Its purpose is narrower and, it is respectfully submitted, more useful to close the distance between a principle correctly stated and a principle reliably enforced between a rule that AI must remain assistive, and the procedural, institutional and definitional machinery without which that rule cannot be given effect in the daily working of a court.

That distance matters because regulatory instruments of this kind are tested not at the moment of their notification but at the moment of their first difficult case: the moment a litigant challenges. It is at that moment that loosely drawn definitions, undefined institutional mandates and unallocated burdens of verification cease to be drafting imperfections and become live sources of litigation, delay and erosion of public confidence. The recommendations in this submission are accordingly designed less to improve the Draft's stated values, which are already sound, than to insulate those values from being defeated in their application.

Five themes recur through the submission; each paired with the benefit it is intended to secure:

1. Meaningful human control. On Question 1, the submission argues that human primacy must be reconceived as meaningful human control rather than formal sign-off, and proposes safeguards against automation bias: mandatory independent verification of AI-generated precedents and citations, a recorded-reasoning obligation wherever AI materially contributes to a decision on substantive rights, and an express rule that no adverse inference may be drawn from a judge's departure from an AI-generated output. The benefit sought is direct: without such safeguards, oversight risks becoming, over time, a ratifying signature rather than an independent exercise of judgment, and any resulting error becomes harder to trace to its source. With them, the judge remains, verifiably and not merely nominally, the intellectual author of the decision, which is what preserves the decision's legitimacy on appeal and its authority in the eyes of the parties.

2. Precision of scope and definitions. On Questions 2 and 3, the submission recommends a tiered classification of permissible, restricted and prohibited uses, and definitional precision for terms such as "AI system," "high-risk use," "synthetic data" and "anonymised data." The benefit is enforceability itself: a category that is not precisely bounded cannot be reliably policed, and a court official acting in good faith cannot comply with a standard whose edges are unclear. Tiered, defined categories give registries and judges a workable compliance checklist rather than a principle they must interpret afresh in every case, and they give the oversight body a clear basis on which to adjudicate disputed uses.

3. Transparency and institutional architecture. On Questions 4 and 5, the submission calls for disclosure obligations calibrated to risk including model cards, audit trails and litigant-facing notice where AI has materially informed a matter and for a coherent oversight body, addressed in Part III through the proposed Committee on Responsible Use of AI in Courts ("CoRE-AI"), with clearly delineated composition, mandate and reporting lines. The benefit is twofold. Calibrated disclosure means transparency obligations scale with risk rather than imposing uniform paperwork on both a routine cause-list tool and a high-stakes analytical

system, which keeps the Regulations administrable rather than merely aspirational. A single, clearly mandated oversight body, in turn, prevents the fragmentation of responsibility across registries, High Courts and vendors that would otherwise leave no institution accountable when something goes wrong.

4. Data protection, procurement and verification. On Questions 6, 7 and 8, the submission recommends provisions on sensitive judicial data, safeguards governing engagement with private AI vendors, and a workable design for the proposed AI Content Verification Authority. The benefit here is resilience: courts hold some of the most sensitive personal data generated by the State, and dependence on external vendors for its processing creates exposure that a general data protection framework, written for other sectors, does not fully anticipate. Purpose-built procurement safeguards and a verification authority with defined powers of authentication reduce the risk that the judiciary's dependence on private AI infrastructure becomes a point of vulnerability rather than a point of efficiency.

5. Capacity and accountability. On Questions 9 and 10, the submission recommends structured training and capacity-building obligations, a grievance redressal mechanism accessible to litigants and lawyers, and a periodic review clause on a fixed timeline. The benefit is durability: a regulation governing a fast-evolving technology that cannot be revisited on a defined schedule risks becoming obsolete precisely where it matters most, while a grievance mechanism accessible to the public rather than only to internal audit ensures that errors surface and are corrected before they compound across cases.

Taken together, these recommendations are offered in the conviction that they strengthen, rather than qualify, the Draft's own stated purpose. None displaces the Draft's foundational commitment to human primacy; each is designed to make that commitment survive contact with the operational realities of a working court heavy dockets, uneven digital literacy across the subordinate judiciary, and the rapid pace at which the underlying technology continues to change. Part III does not leave that ambition in the abstract: it translates each recommendation into drafting language, chapter by chapter, so that the Court has before it both the reasoning and the adoptable text.

PART I: NATIONAL CONSULTATION ROUND TABLE ON THE "DRAFT REGULATIONS FOR THE USE OF ARTIFICIAL INTELLIGENCE (AI) IN COURTS, 2026" (DISCUSSION QUESTIONS AND ANSWERS)

Question 1. While the Draft Regulations rightly affirm human primacy and judicial independence, what additional legal, institutional and operational safeguards should be incorporated to ensure that judges retain meaningful control over AI-assisted decision-making without creating automation bias or undue dependence on AI outputs?

1.1 Introduction

The Draft Regulations for the Use of Artificial Intelligence in Courts, 2026 adopt an appropriately cautious and constitutionally consistent approach by recognising that Artificial Intelligence (AI) must function only as an assistive technology and that the ultimate authority over judicial decision-making shall continue to vest exclusively in the human judge. This foundational principle of human primacy and judicial independence is one of the most significant strengths of the Draft because it recognises that adjudication is not merely a technical exercise of information processing but a constitutional function involving interpretation of law, evaluation of evidence, balancing of competing rights, and the exercise of judicial discretion.[1]

While recognising human primacy as the cornerstone of judicial AI governance is essential, its effective implementation requires practical safeguards that preserve meaningful human control throughout the judicial process. Human oversight should not be reduced to a formal or symbolic review of AI-generated outputs, as judges may gradually develop undue reliance on AI-generated recommendations, summaries, legal research and analytical outputs due to automation bias, the well-documented tendency to place excessive trust in machine-generated information despite the availability of independent verification.[2]

This concern is further compounded by risks such as AI hallucinations, uncertainty regarding the permissible scope of AI-assisted decision-support, inadequate differentiation between

[1] Supreme Court of India, *Draft Regulations for the Use of Artificial Intelligence (AI) in Courts* (2026), chs. II–III.
[2] Daniel Kahneman, *Thinking, Fast and Slow* (Penguin Books, London, 2011).

synthetic and anonymised data, and the absence of standardised implementation guidance for courts. Accordingly, while the Draft Regulations rightly affirm that AI must remain subordinate to judicial authority, they may be further strengthened by expressly incorporating the principle of meaningful human control, supported by clear procedural safeguards, standard operating protocols and institutional guidance that minimise automation bias, reinforce judicial accountability and maintain public confidence in the administration of justice.

From Human Primacy to Meaningful Human Control

The principle of human primacy should not be understood as merely requiring a judge to formally approve an AI-assisted decision before it is pronounced. Such a narrow interpretation risks reducing judicial oversight to a mechanical endorsement of machine-generated outputs. Instead, the Draft Regulations should expressly recognise the principle of meaningful human control, under which the judge remains the true intellectual author of every judicial determination, irrespective of the technological tools employed during the decision-making process. This principle has emerged as a cornerstone of contemporary AI governance.

The UNESCO Recommendation on the Ethics of Artificial Intelligence emphasises that AI systems must remain subject to appropriate human oversight, particularly where they affect legal rights and fundamental freedoms.[3] Likewise, the OECD AI Principles and the EU AI Act require human-centred AI systems that enable users to understand, supervise, question and, where necessary, override AI-generated outputs.[4]

Within the judicial context, this assumes even greater constitutional significance because adjudication involves the exercise of judicial discretion, evaluation of evidence, interpretation of law, proportionality analysis and balancing of competing constitutional values; functions that cannot be replicated through algorithmic processes alone. Without appropriate procedural safeguards, judges may gradually develop undue reliance on AI-generated recommendations owing to automation bias, thereby weakening independent judicial reasoning. The Draft should

[3] UNESCO, *Recommendation on the Ethics of Artificial Intelligence*, paras. 58-61 (2021).
[4] OECD, *Recommendation of the Council on Artificial Intelligence*, OECD/LEGAL/0449 (2019); Regulation (EU) 2024/1689 laying down harmonised rules on Artificial Intelligence (EU AI Act), art. 14.

therefore reinforce meaningful human control through clear operational safeguards that preserve judicial accountability and public confidence in the administration of justice.[5]

Operational Safeguards for Ensuring Meaningful Human Control

The recognition of human primacy must be translated into practical safeguards that preserve meaningful human control throughout AI-assisted judicial processes. Operational safeguards perform a dual function: they minimise risks such as automation bias, hallucinations, opacity and excessive technological dependence, while reinforcing the constitutional legitimacy of AI by ensuring that it assists rather than substitutes judicial reasoning. Accordingly, the Draft Regulations should complement the principle of human oversight with clear procedural obligations governing the use of AI within courts.

1. Automation Bias and Cognitive Over-Reliance: A primary concern is automation bias, namely the tendency of decision-makers to place unwarranted trust in machine-generated outputs despite the availability of independent verification. Behavioural research demonstrates that users frequently perceive automated systems as more accurate and objective than human judgment, leading either to unquestioning acceptance of erroneous AI-generated recommendations or failure to consider relevant information omitted by the system.[6] Within the judicial context, such cognitive over-reliance poses a direct threat to judicial independence because judges may gradually become reviewers of AI-generated analyses rather than independent constitutional decision-makers. Recognising this risk, Article 14 of the EU AI Act requires human oversight measures specifically designed to prevent over-reliance on AI outputs.[7] The Draft Regulations may similarly clarify that AI-generated analyses are merely preliminary decision-support tools and should never be treated as presumptively accurate or authoritative. They should further provide that no adverse inference shall arise solely because a judge rejects or departs from an AI-generated recommendation. Judicial training programmes

[5] Virginia Dignum, *Responsible Artificial Intelligence* (Springer, Cham, 2019).
[6] Raja Parasuraman and Victor Riley, "Humans and Automation: Use, Misuse, Disuse, Abuse" 39 *Human Factors* 230 (1997).
[7] Regulation (EU) 2024/1689 laying down harmonised rules on Artificial Intelligence (EU AI Act), art. 14.

should likewise include modules on automation bias and other cognitive risks associated with AI-assisted adjudication.

2. Mandatory Verification of AI-Generated Outputs: Unlike conventional legal databases, generative AI systems produce responses through probabilistic prediction and may generate fabricated judicial precedents, inaccurate statutory quotations, erroneous translations or misleading factual summaries. Such hallucinations have already resulted in lawyers citing fictitious authorities before courts, while the Supreme Court has also cautioned against reliance on AI-generated fake case law.[8] The Regulations should therefore expressly require independent verification of AI-generated judicial precedents, statutory provisions, constitutional references, translations and factual summaries against authentic legal sources before they are relied upon in judicial proceedings. Similar verification obligations should apply to registry officials using AI for notices, cause lists and procedural communications. Integrating these requirements into standard operating procedures and digital workflows would enhance reliability without diminishing efficiency.

3. Duty to Record Independent Judicial Reasoning: Regulations should reaffirm the duty to record independent judicial reasoning. Judicial legitimacy depends not merely on the correctness of outcomes but on transparent, reasoned decisions demonstrating an independent application of mind.[9] AI-generated research, summaries or draft orders may assist judges but should never substitute their obligation to formulate independent reasons. While routine AI-assisted administrative functions need not be disclosed, the Regulations may require an internal record where AI-generated analysis materially contributes to decisions affecting substantive rights. Such documentation would facilitate institutional accountability, future audits and appellate review without imposing unnecessary procedural burdens.

Above all, the Draft should unequivocally affirm that responsibility for every judicial determination rests exclusively with the human judge. AI systems possess neither

[8] *In re Gummadi Usha Rani* (Supreme Court of India, suo motu proceedings, order dated Feb. 27, 2026).
[9] *Kranti Associates Pvt. Ltd.* v. *Masood Ahmed Khan, (2010) 9 SCC 496*; *S.N. Mukherjee* v. *Union of India*, (1990) 4 SCC 594.

constitutional authority nor legal personality and therefore cannot bear responsibility for the exercise of judicial power. Embedding these operational safeguards within the regulatory framework would ensure that AI remains an instrument of judicial assistance while preserving judicial independence, accountability and public confidence in the administration of justice.

Procedural and Institutional Safeguards for Meaningful Human Control

The principle of meaningful human control can be realised only through procedural and institutional safeguards that ensure AI systems remain transparent, accountable and subject to effective judicial supervision throughout their lifecycle. Human oversight is meaningful only when judges possess sufficient information and institutional support to critically assess AI-generated outputs rather than merely endorse them. Accordingly, the Draft Regulations should supplement the principle of human primacy with safeguards relating to explainability, transparency, disclosure, enhanced protection in liberty-sensitive proceedings and institutional governance.

1. Explainability and Transparency: A fundamental prerequisite for meaningful judicial oversight is explainability and transparency. Judges can critically evaluate AI-generated outputs only if they understand the basis upon which those outputs have been produced. Transparency is therefore not merely a technical requirement but a constitutional safeguard that enables informed judicial decision-making. AI systems deployed within courts should provide explanations proportionate to the function they perform.

For instance, legal research tools should identify the statutes, precedents and authorities relied upon; document summarisation tools should indicate the pleadings or evidence from which summaries are generated; and AI systems used for administrative functions, such as scheduling or case allocation, should disclose the criteria influencing their recommendations. Consistent with the EU AI Act and the CEPEJ European Ethical Charter, the Draft may adopt a risk-based approach whereby AI systems capable of influencing judicial reasoning are subject to

significantly higher standards of explainability than those performing routine administrative functions.[10]

2. Disclosure and Record-Keeping Obligations: The Regulations should also incorporate proportionate disclosure and record-keeping obligations. While routine administrative uses of AI such as grammar correction, formatting, scheduling, document organisation or translation (subject to verification) need not be disclosed, AI assistance that materially contributes to legal research, factual synthesis, precedent identification or preparation of draft judicial orders should be internally documented within the court's digital case-management system. Such records would facilitate institutional audits, appellate review and future evaluation of AI deployment without imposing unnecessary procedural burdens or compromising judicial independence. The objective is not to require disclosure of every AI interaction but to preserve an appropriate level of institutional accountability where AI meaningfully contributes to judicial work.[11]

3. Enhanced Safeguards for Liberty-Sensitive Proceedings: The Draft should further recognise that proceedings affecting fundamental rights require heightened safeguards. Matters involving bail, anticipatory bail, preventive detention, sentencing, death penalty confirmation, juvenile justice, mental healthcare, guardianship, child custody and other proceedings implicating Articles 14, 19 and 21 of the Constitution demand the highest degree of judicial scrutiny because they directly affect liberty, dignity and other constitutional rights.

In such proceedings, AI should remain strictly confined to administrative and research-oriented functions such as document management, chronology preparation, translation and retrieval of precedents. The Regulations should expressly prohibit AI from recommending judicial outcomes, evaluating witness credibility, estimating recidivism, ranking litigants according to perceived risk or suggesting the grant or refusal of bail or sentence. These

[10] CEPEJ, *European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems* (2018); UNESCO, *Guidelines for the Use of AI Systems in Courts and Tribunals* (2025).
[11] Helen Xanthaki, *Drafting Legislation: Art and Technology of Rules for Regulation* (Hart Publishing, Oxford, 2nd edn., 2022).

functions involve normative reasoning, contextual assessment and constitutional balancing that cannot legitimately be delegated to algorithmic systems.[12]

4. Audits, AI Registers and Incident Reporting: Meaningful human control also requires robust institutional accountability extending beyond individual judges. Every court deploying AI should maintain an AI Deployment Register recording approved AI systems, their intended purpose, responsible officers, deployment dates, update schedules and known limitations. AI systems should be subjected to periodic independent audits assessing accuracy, bias, explainability, cybersecurity and continued regulatory compliance, recognising that software updates and retraining may significantly alter system performance over time. Courts should additionally establish confidential AI Incident

Reporting Mechanisms enabling judges, registry officials, advocates and court staff to report hallucinations, fabricated citations, discriminatory outputs, privacy concerns or other technological failures. Such reporting mechanisms should encourage institutional learning and continuous improvement rather than assigning individual blame. Procurement contracts with AI vendors should likewise require timely disclosure of significant system updates, remediation of vulnerabilities and cooperation during judicial audits, ensuring that technology providers remain accountable for the reliability and integrity of AI systems supplied to the judiciary.[13]

5. Continuous Capacity Building and AI Literacy: The effectiveness of every procedural safeguard ultimately depends upon the AI literacy of judges and court personnel. The Draft Regulations should therefore mandate continuous capacity-building through the National Judicial Academy, State Judicial Academies and other judicial training institutions. Training programmes should extend beyond operational use of AI and include constitutional principles governing judicial AI, automation bias, hallucinations, verification techniques, explainability, privacy, cybersecurity and emerging developments in AI governance.

[12] *Maneka Gandhi* v. *Union of India*, (1978) 1 SCC 248.
[13] National Institute of Standards and Technology, *Artificial Intelligence Risk Management Framework (AI RMF 1.0)* (2023); OECD, *Recommendation of the Council on Artificial Intelligence*, OECD/LEGAL/0449 (2019).

Practical exercises using both reliable and deliberately flawed AI outputs should strengthen critical evaluation and error-detection skills. Given the rapid pace of technological change, periodic refresher programmes, updated bench books, standard operating procedures and advisory notes should accompany judicial training to ensure that institutional competence evolves alongside AI itself. Strengthening judicial capacity in this manner would ensure that meaningful human control remains an effective constitutional safeguard rather than a merely aspirational regulatory principle.[14]

Conclusion and Way Forward

Artificial Intelligence presents an unprecedented opportunity to enhance the efficiency, accessibility, and consistency of judicial administration, but it cannot replace the constitutional values that define adjudication. The legitimacy of judicial decision-making rests not upon technological sophistication but upon independent reasoning, procedural fairness, accountability, and public confidence.

The Draft Regulations lay a strong normative foundation by recognising AI as an assistive technology while preserving judicial primacy. Their long-term effectiveness, however, will depend upon translating these foundational principles into enforceable operational standards. The regulatory framework should therefore be strengthened through a coherent governance model centred on meaningful human control, mandatory verification of AI-generated outputs, calibrated transparency and explainability, protection against automation bias, preservation of independent judicial reasoning, proportionate safeguards for liberty-sensitive proceedings, institutional oversight through audits and incident reporting, and continuous judicial capacity-building. Equally important, the framework should remain adaptive through periodic review to respond to technological developments, evolving judicial experience, and emerging international best practices.

[14] Daniel Martin Katz, "Quantitative Legal Prediction-or-How I Learned to Stop Worrying and Start Preparing for the Data-Driven Future of the Legal Services Industry" 62 *Emory Law Journal* 909 (2013).

Question 2. The Draft Regulations distinguish permissible from prohibited AI uses by prohibiting algorithmic adjudication, automated risk scoring and predictive justice. In light of emerging AI applications in judicial administration, what additional clarifications should be incorporated to clearly distinguish legitimate decision-support from impermissible decision substitution?

2.1 Introduction

The Draft Regulations adopt a commendably balanced approach by expressly permitting the use of Artificial Intelligence as an aid to judicial administration while prohibiting algorithmic adjudication, predictive justice and automated risk scoring. This distinction reflects a sound constitutional premise wherein AI may enhance the efficiency of courts, but it cannot replace the human exercise of judicial power. In recognising this distinction, the Draft aligns with emerging international standards that encourage responsible innovation while preserving judicial independence, procedural fairness and human accountability.[15] Nevertheless, rapid advances in generative AI and decision-support technologies have increasingly blurred the practical boundary between assistance and substitution. Consequently, the Draft would benefit from additional clarification regarding emerging judicial use cases particularly in bail, sentencing, case-flow management and AI-generated recommendations so that judges, registry officials and technology developers share a common understanding of what is encouraged and what must remain prohibited.

The constitutional legitimacy of judicial decision-making rests upon principles that AI systems are inherently incapable of satisfying. Judicial power under the Constitution is exercised by judges appointed through constitutionally recognised procedures, who are bound by judicial ethics, reasoned decision-making and public accountability. Their decisions are subject to appellate scrutiny, constitutional review and institutional responsibility. AI systems, irrespective of their sophistication, possess none of these constitutional attributes. They cannot interpret constitutional values, reconcile competing legal principles, appreciate the human

[15] CEPEJ, *European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems* (2018); Regulation (EU) 2024/1689 laying down harmonised rules on Artificial Intelligence (EU AI Act), arts. 13-14; UNESCO, *Recommendation on the Ethics of Artificial Intelligence* (2021).

consequences of litigation or assume responsibility for the decisions they generate. They operate through statistical correlations and probabilistic predictions rather than legal reasoning grounded in constitutional morality and the rule of law. Accordingly, AI should remain an instrument for supporting judicial functions rather than an actor participating in adjudication itself. This distinction has also been consistently emphasised by the Supreme Court's *White Paper on Artificial Intelligence and Judiciary*, which recognises AI as an assistive technology while insisting that judicial responsibility must always remain with the human judge.[16]

This constitutional position is also consistent with long-settled Indian jurisprudence. The Supreme Court has repeatedly recognised that judicial discretion cannot be reduced to mechanical application of predetermined rules. In *Maneka Gandhi* v. *Union of India,* the Court held that fairness and reasonableness constitute essential components of constitutional decision-making.[17] Since AI systems generate outputs through opaque computational processes rather than constitutionally accountable reasoning, they cannot discharge this judicial obligation in place of a judge.

The central regulatory challenge, therefore, is not whether AI should be used in courts, but how to distinguish legitimate decision-support from impermissible decision substitution. At present, the Draft Regulations prohibit algorithmic adjudication but do not define the point at which AI assistance begins to influence judicial outcomes.

For this reason, the Regulations should expressly define decision-support as the use of AI to facilitate administrative, organisational, linguistic or research-oriented functions while leaving every substantive judicial determination entirely to the independent judgment of the judge. Decision-support should therefore encompass activities such as legal research, retrieval of precedents, document classification, transcription, translation, chronology preparation, anonymisation of judgments, document comparison and case management. In each of these situations, AI merely enhances efficiency without affecting the substance of adjudication.[18]

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[16] Supreme Court of India, *White Paper on Artificial Intelligence and Judiciary* (2025).
[17] *Maneka Gandhi* v. *Union of India* (1978) 1 SCC 248.
[18] Harry Surden, "Artificial Intelligence and Law: An Overview" 35 *Georgia State University Law Review* 1305 (2019).

Conversely, the Regulations should define decision substitution as any AI application that directly or indirectly determines, recommends, ranks or materially influences the outcome of judicial proceedings or substitutes the exercise of judicial discretion. The relevant inquiry should therefore not be whether AI formally "decides" a case but whether its output is capable of influencing the judicial conclusion. This functional approach is preferable because AI systems increasingly generate recommendations that, while technically non-binding, may nevertheless shape judicial reasoning. As Richard Susskind argues, the greatest challenge posed by AI in courts is not autonomous adjudication but the gradual migration of decision-making authority from judges to increasingly persuasive technological systems.[19] Similarly, Frank Pasquale cautions that opaque algorithmic systems risk replacing accountable public reasoning with computational processes that cannot themselves justify legal outcomes.[20]

This distinction becomes particularly important because many emerging AI applications occupy a regulatory grey area. A system that merely identifies potentially relevant precedents or organises documentary evidence assists judicial work without intruding upon adjudication. By contrast, a system that recommends whether bail should be granted, predicts the probability of conviction, evaluates witness credibility, estimates damages or proposes an appropriate sentence performs functions that are inseparable from judicial reasoning itself.

The Draft Regulations may accordingly clarify that the prohibition on algorithmic adjudication extends not only to fully autonomous decision-making but also to AI-generated recommendations capable of materially influencing judicial outcomes. This clarification would address an important regulatory gap by recognising that the constitutional concern lies not merely in replacing judges with machines but in preventing subtle forms of algorithmic influence over the judicial mind.

[19] Richard Susskind, *Online Courts and the Future of Justice* (Oxford University Press, Oxford, 2019).
[20] Frank Pasquale, *The Black Box Society: The Secret Algorithms That Control Money and Information* (Harvard University Press, Cambridge, MA, 2015).

Clarifying Emerging Judicial Use Cases

While the Draft Regulations appropriately prohibit algorithmic adjudication, automated risk scoring and predictive justice, further clarification is desirable in relation to several emerging judicial use cases where the distinction between permissible assistance and impermissible influence may become blurred. AI systems are increasingly capable of performing functions that extend beyond administrative support and begin to shape judicial reasoning. The Regulations should therefore identify these areas and specify the limits within which AI may be deployed.

The most sensitive areas are bail, sentencing and preventive detention, where judicial decisions involve the exercise of constitutional discretion rather than merely the application of legal rules. AI systems may assist by organising case records, identifying statutory provisions or retrieving relevant precedents, but they should never recommend whether bail should be granted, estimate the likelihood of reoffending or suggest the appropriate sentence. Such decisions require judges to balance individual liberty, public interest, proportionality and the unique facts of each case- considerations that cannot be reduced to algorithmic predictions. This approach is consistent with the Supreme Court's repeated emphasis that judicial discretion must remain independent and reasoned, particularly where personal liberty under Article 21 is at stake.[21]

Similarly, AI may significantly improve case-flow management by assisting in scheduling, document classification, cause-list preparation, identification of similar matters and allocation of administrative resources. However, the Regulations should clarify that AI must not prioritise or deprioritise cases on the basis of perceived merits, likelihood of success or predicted judicial outcomes. Administrative efficiency should not evolve into algorithmic control over access to justice.[22]

The Draft should also address AI-generated legal recommendations. While AI may assist in legal research, summarising pleadings and identifying relevant authorities, it should not

[21] *Maneka Gandhi* v. *Union of India* (1978) 1 SCC 248.
[22] CEPEJ, *European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems* (2018).

generate proposed findings on disputed facts, assess witness credibility or draft final judicial conclusions without rigorous human scrutiny. Experience from jurisdictions such as the United States, where AI-generated fictitious citations resulted in judicial sanctions in *Mata* v. *Avianca, Inc.*, demonstrates the risks of excessive reliance on generative AI.[23] The Supreme Court of India's *White Paper on Artificial Intelligence and Judiciary* similarly underscores that every AI-generated output must remain subject to independent judicial verification.[24] Clear guidance on these emerging use cases would strengthen the Draft by ensuring that technological innovation complements, rather than compromises, judicial independence and the rule of law.

Conclusion and Recommendations

The Draft Regulations establish a principled framework by distinguishing between AI-assisted judicial administration and algorithmic adjudication. However, as AI systems become increasingly capable of influencing judicial reasoning, greater regulatory clarity is necessary to ensure that technological innovation remains consistent with constitutional values. The challenge is no longer whether AI should be used in courts, but how its use can be confined to legitimate decision-support without encroaching upon the exercise of judicial discretion.

To strengthen the regulatory framework, the Draft may expressly define the distinction between decision-support and decision substitution, clarifying that AI may facilitate administrative functions, legal research, document management, transcription, translation and case-flow management, but must never recommend or determine judicial outcomes. Further, the Regulations may incorporate illustrative guidance explaining the permissible use of AI in sensitive domains such as bail, sentencing, preventive detention and evaluation of evidence. Such illustrations would assist judges, registry officials and technology developers in applying the Regulations consistently across jurisdictions.

The e-Committee may also consider issuing periodically updated Practice Directions or Standard Operating Procedures addressing emerging AI applications, verification of AI-

[23] *Mata* v. *Avianca, Inc.*, 678 F. Supp. 3d 443 (S.D.N.Y. 2023).
[24] UNESCO, *Guidelines for the Use of AI Systems in Courts and Tribunals* (2025); Supreme Court of India, *White Paper on Artificial Intelligence and Judiciary* (2025).

generated outputs, management of hallucinations and minimum standards of human oversight. Since AI technologies evolve rapidly, such guidance would enable the regulatory framework to remain responsive without requiring frequent amendments to the Regulations.

Thus, the defining principle of judicial AI governance should remain that AI is an aid to judicial administration, not an adjudicator. Every judicial determination affecting rights, liberties and obligations must continue to be founded upon independent human judgment, reasoned decision-making and constitutional accountability. Clarifying the boundaries of permissible AI use through operational guidance would not only reduce interpretative uncertainty but also foster responsible innovation while preserving judicial independence, procedural fairness and public confidence in the administration of justice.

Question 3. The Draft adopts contemporary AI terminology including Generative AI, Large Language Models, hallucinations and synthetic data. How can these definitions be supplemented through illustrations, interpretative guidance and operational examples so as to ensure uniform understanding across courts with varying technological capacities?

3.1 Introduction

One of the significant strengths of the Draft Regulations is their effort to define key AI concepts, including Generative AI, Large Language Models (LLMs), hallucinations and synthetic data. By defining these concepts, the Draft lays the foundation for a common understanding among judges, court staff, technology vendors and court administrators, thereby promoting regulatory clarity and consistency.[25] However, definitions alone are not enough to ensure uniform implementation. While they explain the meaning of technical terms, they do not clarify how those terms should be interpreted or applied in day-to-day judicial work.

For example, although the Draft defines a "hallucination" as inaccurate or fabricated AI-generated content, it does not explain whether an incorrect translation, an incomplete summary of pleadings or a fictitious case citation should all be treated as hallucinations requiring rejection. Similarly, defining "Generative AI" does not indicate whether it may be used to draft

[25] Supreme Court of India, *Draft Regulations for the Use of Artificial Intelligence (AI) in Courts* (2026), ch I.

orders, summarise evidence or generate legal reasoning. Such uncertainty may lead to inconsistent practices across courts with different levels of technological capacity.

The challenge therefore is not merely definitional but operational. International AI governance frameworks increasingly recognise that technical definitions should be accompanied by explanatory guidance, practical illustrations and implementation examples that enable users to understand not only what a technology is but also how it should and should not be used within a particular regulatory context.[26] To address this gap, the Draft should adopt a three-layer definitional framework for key AI concepts:

(i) a legal definition that specifies the regulatory meaning of the term;

(ii) a plain-language explanation that is easily understood by judges and court staff without technical expertise; and

(iii) practical illustrations demonstrating how the technology may and may not be used in judicial proceedings.

Legal AI scholarship similarly recognises that the effectiveness of AI regulation depends not only upon accurate technical definitions but also upon contextual explanations that enable legal professionals to understand the capabilities, limitations and appropriate uses of AI systems within judicial processes.[27]

Three-Layer Definitional Framework for Judicial AI Regulations

1. Legal Definition

The first layer should retain the existing legal definition, which establishes the regulatory meaning of the term and ensures certainty regarding its scope. Maintaining precise legal definitions is essential because they provide the foundation upon which regulatory obligations,

[26] UNESCO, *Recommendation on the Ethics of Artificial Intelligence*, paras. 56-61 (2021); OECD, *Recommendation of the Council on Artificial Intelligence*, OECD/LEGAL/0449 (2019, revised 2024); National Institute of Standards and Technology, *Artificial Intelligence Risk Management Framework (AI RMF 1.0): Govern Function* (2023); ISO/IEC 22989:2022, *Artificial Intelligence- Concepts and Terminology*.
[27] Harry Surden, "Artificial Intelligence and Law: An Overview" 35 *Georgia State University Law Review* 1305 (2019).

compliance requirements and judicial interpretation are built.[28] The Draft Regulations presently defines terms such as Artificial Intelligence, Generative AI, Large Language Models (LLMs), hallucinations, synthetic data, machine learning, and other foundational concepts that underpin the regulatory framework.[29]

These definitions perform the traditional legislative function of identifying the technologies and processes to which the Regulations apply, thereby ensuring legal certainty and consistency in interpretation. For instance, the Draft defines Generative AI as AI systems capable of generating new content, while hallucination is defined as AI-generated content that is inaccurate, fabricated or unsupported by reliable information. Similarly, synthetic data is recognised as artificially generated data designed to resemble real-world data without directly reproducing identifiable personal information. These technical definitions should remain unchanged because they provide the legal foundation upon which regulatory obligations, compliance standards and judicial interpretation are built. However, while essential, they should serve only as the first layer of the definitional framework and be supplemented with explanatory guidance to facilitate their consistent application across courts.

2. Plain-Language Explanation

The second layer should accompany every legal definition with a plain-language explanation. Unlike the legal definition, this explanation would not create substantive legal obligations but would describe the concept in simple, non-technical language capable of being readily understood by judges, registry officials and court personnel without specialised AI knowledge. The objective is to improve accessibility rather than alter the legal meaning of the term.

For instance, instead of merely defining an LLM through technical terminology, the explanatory note may clarify that it is an AI system capable of understanding and generating human language, including summarising pleadings, translating documents and answering legal research queries, while emphasising that its outputs remain probabilistic and require human

[28] Helen Xanthaki, *Drafting Legislation: Art and Technology of Rules for Regulation* 147-152 (Hart Publishing, Oxford, 2nd edn., 2022).
[29] Supreme Court of India, *Draft Regulations for the Use of Artificial Intelligence (AI) in Courts* (2026).

verification. Similarly, the explanation accompanying synthetic data may clarify that it refers to artificially generated data created to resemble real judicial datasets without directly reproducing actual litigant information. Such explanations would substantially improve comprehension among judicial users who may be encountering these technologies for the first time.[30]

3. Operational Illustrations

The third layer should provide operational illustrations demonstrating how the defined concept may arise during ordinary judicial work. While the inclusion of well-drafted definitions is essential, uniform implementation across courts cannot realistically be achieved through definitions alone. Courts differ significantly in their technological infrastructure, digital literacy, staffing patterns and institutional experience with AI. Consequently, the Committee may consider supplementing the Regulations with a separate **"**Illustrative Guidance on Judicial AI Terminology" issued either as an Annex to the Regulations or as an accompanying Practice Direction by the e-Committee.

Unlike the Regulations themselves, such guidance could be revised periodically to reflect technological developments without requiring formal amendment of the regulatory framework. Similar approaches are adopted internationally, where legally binding provisions are supported by explanatory guidance, implementation manuals and technical standards that evolve alongside technological innovation.[31]

The guidance document should not merely reproduce definitions but demonstrate how those definitions operate within everyday judicial work. It may include:

- Frequently Asked Questions (FAQs) explaining common AI terminology in plain language;
- Scenario-based illustrations distinguishing permissible from impermissible uses;

[30] Daniel Martin Katz, "Quantitative Legal Prediction-or-How I Learned to Stop Worrying and Start Preparing for the Data-Driven Future of the Legal Services Industry" 62 *Emory Law Journal* 909 (2013).
[31] Office of the Parliamentary Counsel, *Drafting Guidance* (Cabinet Office, United Kingdom, Mar. 2024).

- Operational checklists for judges and registry officials before relying upon AI-generated outputs;
- Glossaries explaining technical AI concepts in non-technical language;
- Flowcharts or decision trees indicating whether a proposed AI use falls within permissible decision-support or prohibited decision substitution.

For example, a simple operational checklist accompanying the definition of 'hallucination' may ask:

- Has the AI-generated citation been independently verified?
- Does the cited judgment actually exist?
- Are statutory provisions quoted accurately?
- Does the summary faithfully reflect the original pleadings?
- Has the translation been checked against the original text?

Such practical guidance is considerably more valuable than technical definitions because it translates abstract concepts into everyday judicial practice.

The need for such guidance is no longer theoretical. Empirical research consistently demonstrates that Large Language Models continue to fabricate legal authorities and citations at rates incompatible with responsible legal practice.[32] Judicial experience has similarly confirmed these risks. In *Mata v Avianca, Inc.*, a United States federal court-imposed sanctions after counsel relied upon fictitious authorities generated by an AI system.[33] Comparable concerns have also arisen in India, where the Supreme Court has highlighted instances involving fabricated AI-generated case citations and cautioned that judges and lawyers remain responsible for independently verifying all legal authorities relied upon in judicial proceedings.[34]

[32] Stanford Center for Research on Foundation Models, *Foundation Model Transparency Index* (2024).
[33] *Mata* v. *Avianca, Inc.*, 678 F. Supp. 3d 443 (S.D.N.Y. 2023).
[34] Supreme Court of India, *White Paper on Artificial Intelligence and Judiciary* (2025).

Need for an Interpretative Schedule

To operationalise this framework, the Draft Regulations may include an Interpretative Schedule appended to the definitions chapter. Unlike the definitions themselves, the Schedule would not create additional legal obligations Each interpretative note may adopt a uniform structure comprising of purpose of the definition, plain-language explanation, common misunderstandings, judicial illustration, permissible uses, impermissible uses and cross-reference to the relevant Regulation.

For example, under the definition of hallucination, the Schedule may explain that fabricated case citations, incorrect quotations from statutes, misleading factual summaries and inaccurate translations all constitute hallucinations requiring independent verification before judicial reliance. Similarly, under Generative AI, the Schedule may distinguish between drafting a chronology (permissible) and generating findings on disputed evidence (impermissible).

Such an approach would significantly reduce interpretative inconsistency while allowing the Schedule to be periodically updated through Practice Directions or Standard Operating Procedures without necessitating amendment of the Regulations themselves. This technique is also consistent with good legislative drafting practice, which favours illustrations where technical statutory concepts are likely to be applied by officials possessing differing levels of expertise.[35]

Conclusion

The Draft Regulations represent a progressive step by recognising contemporary AI concepts within the judicial context. However, uniform understanding cannot be achieved through technical definitions alone. Effective implementation requires that every important AI term be accompanied by interpretative guidance, plain-language explanations and practical illustrations demonstrating its application in everyday judicial work.

[35] G.C. Thornton, *Legislative Drafting* (Butterworths, London, 4th edn., 1996); *K.P. Varghese* v. *Income Tax Officer*, (1981) 4 SCC 173.

A three-layer definitional framework, supported by an Interpretative Schedule, Standard Operating Procedures, Bench Books and periodic guidance issued by the e-Committee, would substantially reduce ambiguity while accommodating future technological developments. Such an approach would not only assist judges and registry officials across courts with differing technological capacities but would also provide technology vendors and administrators with greater regulatory certainty.

Ultimately, the success of the Draft Regulations will depend less upon the precision of individual definitions than upon the extent to which those definitions are translated into consistent judicial practice. By supplementing technical terminology with practical guidance, operational examples and continuous institutional learning, the Committee can ensure that the Regulations remain both technologically relevant and administratively workable, thereby fostering responsible and uniform adoption of AI throughout the Indian judiciary.

Question 4. The Draft requires transparency, explainability and auditability of AI systems. What minimum documentation standards, model-card disclosures and audit requirements should accompany judicial AI systems so that courts can effectively supervise vendor-supplied technologies while balancing transparency with legitimate intellectual property and security concerns?

Chapter II of the Draft Regulations rightly mandates transparency, explainability, auditability and human accountability for AI systems. However, these principles require concrete operational content when AI tools are procured from private vendors rather than developed in-house, a model likely to dominate judicial AI deployment in India. Vendors possess legitimate intellectual property (IP) and cybersecurity interests in protecting source code, model architecture and training datasets, while courts require sufficient information to supervise AI meaningfully and discharge their constitutional duty of reasoned adjudication. The appropriate balance therefore lies not in maximal disclosure, but in functional transparency, providing courts with all information necessary to evaluate AI outputs while preserving genuinely confidential technical information. This approach is reflected in emerging international AI governance frameworks, including the EU AI Act, the OECD AI Principles, UNESCO's

Recommendation on the Ethics of Artificial Intelligence, and the NIST AI Risk Management Framework.[36]

A Two-Tier Documentation Framework

The Draft Regulations should adopt a two-tier documentation architecture modelled upon the EU AI Act.[37]

Firstly, every vendor should maintain a confidential Technical Dossier, accessible only to the AI Secretariat, designated regulators or empanelled auditors. This should include the model architecture, training and validation datasets and their provenance, testing methodology, accuracy and robustness assessments, cybersecurity safeguards, risk-management measures, update history and post-deployment monitoring plan. Such documentation enables regulatory oversight without compelling disclosure of commercially sensitive information.

Secondly, every court deploying AI should receive a mandatory Judicial Information Pack (or Instructions for Use) containing only operationally relevant information, including the provider's identity, system version, intended purpose, known limitations, explainability features, foreseeable misuse risks, verification requirements and performance metrics. This distinction between confidential regulatory documentation and deployer-facing disclosure appropriately balances transparency with legitimate IP concerns.

Judicial Model Cards as the Primary Transparency Instrument

The principal disclosure document for courts should be a judicially adapted Model Card, building upon the framework proposed by Mitchell et al.[38] Model cards were designed to

[36] Regulation (EU) 2024/1689 laying down harmonised rules on Artificial Intelligence (EU AI Act), arts. 11, 13, 17, 72-73; OECD, *Recommendation of the Council on Artificial Intelligence*, OECD/LEGAL/0449 (2019, updated 2024); UNESCO, *Recommendation on the Ethics of Artificial Intelligence* (2021); National Institute of Standards and Technology, *Artificial Intelligence Risk Management Framework (AI RMF 1.0)* (2023).
[37] Regulation (EU) 2024/1689 laying down harmonised rules on Artificial Intelligence (EU AI Act), arts. 11, 13 and Annex IV.
[38] Margaret Mitchell & Simone Wu, et al., "Model Cards for Model Reporting", *Proceedings of the Conference on Fairness, Accountability, and Transparency (FAT*)* 220 (Association for Computing Machinery, New York, 2019).

clarify intended uses of machine-learning systems and minimise deployment in unsuitable contexts.

A standardised model card for every judicial AI system should provide comprehensive and transparent information about the model, including its identity, version history and update schedule, the specific purposes for which it is intended to be used, and any explicitly prohibited or out-of-scope applications. It should clearly identify the jurisdictions, languages and court processes for which the model has been validated, while also disclosing disaggregated performance metrics, such as accuracy across different languages, dialects and user groups. The model card should explain the system's explainability features, identify known limitations and failure modes including hallucinations, citation errors and other reliability concerns and specify the verification requirements that judges or court officials must satisfy before relying on AI-generated outputs. Additionally, it should establish clear procedures for reporting, documenting and addressing system failures to ensure continuous monitoring, accountability and improvement.

Generic disclaimers that an AI system "may make errors" are inadequate. Judges require actionable information identifying where and why failures are likely to occur. At the same time, model cards remain self-reported documents whose reliability depends upon the integrity of the provider.[39] Consequently, disclosure alone cannot satisfy the Draft Regulation's auditability requirement and must be supported by independent verification.

Independent Audit and Lifecycle Oversight

Transparency should be complemented by structured lifecycle auditing. The Draft Regulations should require three categories of independent audits.

First, a pre-deployment conformity audit before approval of any judicial AI system, particularly where deployment may affect procedural rights. Approval should be based upon

[39] Emily M. Bender & Timnit Gebru, et al., "On the Dangers of Stochastic Parrots: Can Language Models Be Too Big?", *Proceedings of the 2021 ACM Conference on Fairness, Accountability, and Transparency (FAccT '21)* 610 (Association for Computing Machinery, New York, 2021).

the Technical Dossier, Judicial Model Card and, where appropriate, an independent technical assessment.

Secondly, a version-triggered re-audit whenever material modifications are made to the model architecture, training data or core functionality. AI systems evolve continuously, and regulatory approval should attach to the deployed version rather than the product generally.

Thirdly, an incident-triggered audit whenever hallucinations, fabricated citations, discriminatory outputs, cybersecurity breaches or other significant failures are reported. Such audits should determine whether the incident resulted from user error, inadequate disclosure or deficiencies in the AI system itself. Consistent with the EU AI Act's post-market monitoring requirements, audit findings should inform continuous regulatory improvement.[40]

Where direct technical inspection is impracticable, certification under recognised governance standards such as ISO/IEC 42001:2023 may serve as a confidentiality-preserving mechanism for evaluating organisational AI governance without requiring disclosure of proprietary model weights or source code. Such standards emphasise lifecycle governance, risk management and continual improvement, thereby complementing the Draft Regulation's auditability requirements.[41] Similarly, the NIST AI Risk Management Framework and its Generative AI Profile recommend continuous monitoring, post-deployment evaluation and documentation throughout the AI lifecycle, reinforcing the need for periodic judicial audits rather than one-time certification.[42]

Balancing Transparency with Intellectual Property

The central challenge is reconciling judicial accountability with legitimate commercial confidentiality. This tension between algorithmic opacity and public accountability has been extensively examined in AI governance scholarship, which argues that democratic institutions require meaningful oversight of automated systems without necessarily compelling disclosure

[40] Regulation (EU) 2024/1689 laying down harmonised rules on Artificial Intelligence (EU AI Act), arts. 72-73.
[41] ISO/IEC 42001:2023, *Information Technology-Artificial Intelligence-Management System*.
[42] National Institute of Standards and Technology, *Artificial Intelligence Risk Management Framework: Generative AI Profile* (2024).

of proprietary source code.[43] Valuable guidance is provided in the case of *State* v. *Loomis*, where the Wisconsin Supreme Court held that use of the proprietary COMPAS algorithm did not violate due process solely because its source code remained undisclosed, provided courts received clear warnings regarding its limitations.[44] The judgment illustrates that meaningful oversight does not necessarily require disclosure of algorithmic internals, but it does require detailed disclosure of capabilities, limitations and appropriate use.

Nevertheless, the Draft Regulations should adopt Loomis only to the extent that it supports functional transparency. Documentation requirements should never legitimise AI systems that predict judicial outcomes, recommend sentences, assess witness credibility or perform risk-scoring in liberty-sensitive proceedings, all of which the Draft Regulations rightly prohibit. Documentation facilitates supervision of permissible assistive functions; it cannot justify prohibited adjudicatory uses.

Furthermore, documentation and audit obligations should be proportionate to the rights-sensitivity and scale of deployment. AI systems used across the Supreme Court and High Courts for legal research or case management should be subject to the highest documentation and audit standards. Conversely, low-risk administrative tools deployed in smaller courts should comply with simplified documentation requirements. A risk-tiered compliance framework supported by standardised checklists, implementation manuals and model documentation templates would reduce compliance costs while ensuring rigorous scrutiny where constitutional rights are most directly affected.

Recommendations

The Draft Regulations should therefore:

- adopt a two-tier documentation architecture comprising a confidential Technical Dossier and a court-facing Judicial Information Pack;

[43] Frank Pasquale, *The Black Box Society: The Secret Algorithms That Control Money and Information* (Harvard University Press, Cambridge, MA, 2015).
[44] *State* v. *Loomis*, 881 N.W.2d 749 (Wis. 2016).

- mandate judicial model cards disclosing intended use, limitations, accuracy metrics, explainability features and verification requirements;
- require independent audits at pre-deployment, version-change and incident-triggered stages, supported where appropriate by recognised standards such as ISO/IEC 42001;
- preserve commercially sensitive technical information while ensuring sufficient disclosure for meaningful judicial supervision;
- maintain centralised documentation and audit records through the proposed AI Secretariat/AI Content Verification Authority; and
- calibrate documentation and audit obligations according to the risk and rights-sensitivity of the AI deployment.

Such a framework would give practical effect to the Draft Regulation's commitments to transparency, explainability and auditability while preserving innovation, protecting legitimate intellectual property, and ensuring that vendor-supplied AI systems remain subject to effective judicial supervision consistent with constitutional principles.

Question 5. The draft envisages a sophisticated institutional architecture: Apex Body, AI Committees, AI Secretariat, CoREAI and specialised committees. How might this architecture be further fine-tuned to ensure responsiveness to the needs of the district judiciary and smaller tribunals, while preserving coherence and uniform standards at the national level?

The proposed institutional framework under the Draft Regulations establishes a multi-tiered governance mechanism comprising the Apex Body, the AI Committees, the AI Secretariat, the Centre for Research and Excellence on Artificial Intelligence (CoREAI), and several specialised committees. The objective is to ensure uniformity, accountability, and responsible adoption of artificial intelligence within the Indian judiciary.[45] However, the effectiveness of this framework ultimately depends upon its ability to accommodate the realities of district courts and smaller tribunals, which constitute the foundation of the Indian judicial system.

[45] Draft Regulations for Use of Artificial Intelligence in Courts, 2026.

One significant challenge is the disparity in infrastructure, technical expertise, and digital capacity among various levels of the judiciary. While High Courts and the Supreme Court may possess adequate resources to implement AI-based systems, many district courts continue to face shortages of trained personnel, inadequate technological infrastructure, and limited financial resources.[46] Consequently, a purely centralized model of AI governance may fail to address local institutional needs.

First, the proposed architecture should incorporate a principle of subsidiarity, whereby decisions relating to operational implementation are delegated to district-level bodies while maintaining national standards. District AI Cells may be constituted under the supervision of High Court AI Committees to identify local challenges, monitor AI deployment, and provide feedback regarding system performance. Such decentralization would promote responsiveness without undermining national consistency.[47]

Secondly, representation of the subordinate judiciary within the institutional framework is essential. The present architecture largely emphasizes higher judicial institutions. Inclusion of district judges and tribunal members within advisory committees would facilitate bottom-up policy development and ensure that regulations reflect practical realities encountered at the grassroots level.

Thirdly, CoREAI should function as a permanent research and knowledge institution that develops model protocols, conducts empirical studies, and provides technical assistance to subordinate courts. The institution may establish regional centres to support linguistic diversity and local judicial requirements. Such an approach is particularly important in a multilingual country like India, where court functioning often occurs in regional languages.[48]

Comparative international experience also supports decentralized implementation. UNESCO's Guidelines for the Use of Artificial Intelligence Systems in Courts emphasize that judicial AI governance must remain context-sensitive and adaptable to local institutional conditions.

[46] DAKSH, *AI for Justice: Ethical, Fair and Robust Adoption in India's Courts* 16 - 18 (2025)
[47] Kerala High Court, *Policy Regarding Use of Artificial Intelligence Tools in District Judiciary* (2025).
[48] Draft Regulations for Use of Artificial Intelligence in Courts, 2026.

Similarly, the National Center for State Courts in the United States recommends phased implementation and continuous feedback mechanisms to ensure successful AI adoption across courts with varying capacities.[49]

Furthermore, periodic coordination meetings between the Apex Body and High Court AI Committees may ensure consistency of standards. Annual governance reports and impact assessments can facilitate information sharing and identification of best practices. Such collaborative mechanisms would preserve national coherence while allowing sufficient flexibility for local adaptation.

Finally, the proposed institutional structure must be supported by adequate financial allocations, technical staffing, and capacity-building programmes. Without sustained investment, even the most sophisticated governance architecture may remain merely aspirational. The legitimacy of AI in the judiciary depends not only upon regulatory design but also upon the ability of institutions at every level to effectively implement such regulations.

Accordingly, a hybrid governance model combining centralized standards with decentralized implementation would best reconcile the objectives of uniformity, accountability, and responsiveness.

Question 6. The provisions on data protection, sensitive judicial data, and cyber security adopt a prudent and rights respecting approach. In implementing these safeguards, what practical protocols (for example, phased roll out, model templates, or technical toolkits) could assist courts with limited digital capacity so that compliance is both realistic and robust?

The Draft Regulations adopt a rights-based approach to data protection and cybersecurity by requiring compliance with existing data protection laws, imposing restrictions on the use of sensitive judicial data, and mandating cybersecurity safeguards for AI systems.[50] While these provisions establish an appropriate normative framework, their practical implementation

[49] National Center for State Courts, *AI Readiness for State Courts* 34 -38 (2025).
[50] Draft Regulations for Use of Artificial Intelligence in Courts, 2026.

presents significant challenges, particularly for district courts and smaller tribunals that possess limited technological capacity.

The first requirement for effective implementation is the adoption of a phased rollout strategy. Rather than deploying AI systems simultaneously across all courts, implementation should occur in stages beginning with pilot courts possessing adequate technological infrastructure. Lessons learned during pilot projects can subsequently guide wider implementation. International experience demonstrates that gradual deployment reduces institutional resistance and enables authorities to identify risks before large-scale adoption.[51]

A three-stage implementation framework may therefore be adopted. The first stage may involve limited use of AI tools for administrative functions such as transcription, translation, scheduling, and document management. The second stage may extend AI use to research assistance and legal summarization. The final stage may permit advanced analytical tools after appropriate audits and evaluations. Such phased deployment would ensure that smaller courts are not overwhelmed by technological obligations.

Secondly, model templates and standard operating procedures should be developed by the Apex Body and CoREAI. Many district courts lack dedicated information technology personnel capable of preparing data protection policies or cybersecurity protocols. Accordingly, standardized templates relating to data handling, confidentiality agreements, breach reporting, impact assessments, and audit procedures may substantially reduce compliance burdens.[52]

The regulations already emphasize data minimization, anonymization, and privacy-by-design principles.[53] However, courts require practical guidance regarding the implementation of these principles. Technical toolkits may therefore include:

1. Data classification templates.
2. Cybersecurity checklists.

[51] National Center for State Courts, *AI Readiness for State Courts* 34 -38 (2025).
[52] DAKSH, *AI for Justice: Ethical, Fair and Robust Adoption in India's Courts* 16 - 18 (2025)
[53] Draft Regulations for Use of Artificial Intelligence in Courts, 2026.

3. Model incident-response protocols.
4. AI risk assessment forms.
5. Audit reporting formats.
6. Data retention and deletion schedules.

Such instruments would enable smaller courts to implement safeguards without requiring specialized technical expertise.

Training and capacity building constitute another indispensable component. UNESCO's global survey on judicial AI revealed that only a small proportion of judicial personnel have received formal AI training despite increasing use of AI tools within judicial systems. Consequently, regular training programs must accompany every stage of implementation. These programmes should be conducted in regional languages and should address legal, technical, ethical, and cybersecurity dimensions of AI.

The Kerala High Court's guidelines on AI use within the district judiciary provide a useful domestic model. The guidelines emphasize human verification of AI-generated outputs and recognize the possibility of errors, bias, and hallucinations.[54] Similar protocols may be incorporated into national implementation guidelines.

Further, every High Court AI Secretariat should establish a dedicated technical support unit to assist district courts in cybersecurity compliance. Smaller courts often lack the personnel necessary to conduct vulnerability assessments, maintain secure systems, or respond to data breaches. Centralized technical support would significantly reduce these burdens while ensuring uniform standards.

International best practices also emphasize continuous monitoring. The National Center for State Courts recommends phased implementation, periodic reviews, and feedback mechanisms

[54] Kerala High Court, *Policy Regarding Use of Artificial Intelligence Tools in District Judiciary* (2025).

to evaluate AI systems.[55] Similarly, the OECD Principles on Artificial Intelligence emphasize accountability, transparency, and risk management throughout the lifecycle of AI systems.[56]

Finally, compliance should be linked to regular audits and impact assessments. Annual cybersecurity audits, technical assessments, and ethical evaluations would permit early identification of vulnerabilities and ensure continued adherence to constitutional principles, data protection norms, and procedural fairness.

Therefore, practical implementation of the Draft Regulations requires a combination of phased deployment, standardized templates, technical support mechanisms, continuous training, and periodic audits. Such measures would make compliance both realistic and robust while ensuring that technological advancement does not compromise access to justice or constitutional values.

Question 7. The draft's treatment of engagement with private entities incorporates important contractual and oversight safeguards. Are there additional best practice clauses, such as clearer norms on retraining models on court data or obligations to support audits, that could be explicitly referenced to guide High Courts and tribunals during procurement processes?

The Draft Regulations recognize that private technology vendors will inevitably play a significant role in the development, maintenance, and deployment of artificial intelligence systems within the judiciary. Accordingly, the draft incorporates safeguards relating to procurement, contractual obligations, data protection, and accountability.[57] However, considering the unique nature of judicial information and the constitutional significance of adjudication, additional contractual safeguards are necessary to ensure transparency, accountability, and judicial independence.

The first area requiring greater clarity concerns the retraining of AI models using judicial data. Court records frequently contain sensitive personal information, commercial secrets, and

[55] National Center for State Courts, *AI Readiness for State Courts* 34 -38 (2025).
[56] OECD, *Recommendation of the Council on Artificial Intelligence* (2019).
[57] Draft Regulations for Use of Artificial Intelligence in Courts, 2026.

confidential judicial materials. Although the Draft Regulations emphasize data minimization and restrictions upon data transfers,[58] explicit provisions governing retraining are necessary.

Vendors should be prohibited from using judicial data for retraining, fine-tuning, or improving commercial AI models without prior written approval of the appropriate judicial authority. Any authorization for retraining should be accompanied by conditions relating to anonymization, data minimization, purpose limitation, and deletion of datasets after the completion of training activities. Such restrictions would prevent judicial data from becoming a commercial resource for private entities.

Secondly, contracts should contain explicit audit-support obligations. AI systems deployed in courts must remain transparent and capable of independent verification. Vendors should therefore be required to cooperate fully with technical, ethical, and cybersecurity audits conducted by courts or authorized agencies. This obligation should include the disclosure of documentation, performance reports, risk assessments, model limitations, and system updates.

The Draft Regulations emphasize transparency, explainability, and auditability as foundational principles.[59] However, meaningful audits cannot occur unless vendors actively assist reviewing authorities. Therefore, procurement agreements should require vendors to provide audit logs, model documentation, version histories, and information regarding training datasets whenever necessary.

Another important safeguard is the requirement of AI Fact Sheets or Model Cards. These documents would function similarly to a product disclosure statement and should include:

1. Training data sources.
2. Known limitations and error rates.
3. Bias assessment reports.
4. Model update history.
5. Human oversight mechanisms.

[58] *Ibid.*
[59] *Ibid.*

6. Data retention policies.
7. Security safeguards.

Such disclosures have been recommended in international AI procurement frameworks and can significantly improve transparency during procurement and deployment.[60]

Further, procurement contracts should contain algorithmic accountability clauses. Vendors should certify that their systems have undergone bias testing and that the AI system does not discriminate on prohibited grounds. Given the constitutional guarantees of equality under Article 14, AI systems operating within courts must satisfy standards of fairness and non-discrimination.[61]

Another essential safeguard concerns ownership and intellectual property rights. The Draft Regulations already recognize that courts retain ownership or perpetual licenses over AI systems developed using court data.[62] Nevertheless, contracts should expressly prohibit vendor lock-in. Courts should retain access to data, documentation, and outputs even after termination of contractual arrangements.

Procurement agreements should also include cybersecurity and breach-notification clauses. Vendors must immediately notify judicial authorities regarding data breaches, unauthorized access, or cybersecurity incidents. Mandatory reporting timelines, incident response procedures, and recovery obligations should be incorporated into all contracts.

Additionally, contracts should require the maintenance of human oversight mechanisms. Vendors must ensure that AI systems permit judicial officers to verify, modify, reject, or override AI-generated outputs. The principle of human primacy remains central to the Draft Regulations and must be preserved through contractual design.[63]

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[60] Federation of American Scientists, *How States Should Purchase AI to Ensure Accountable Use* (2025).

[61] Constitution of India, art. 14.

[62] Draft Regulations for Use of Artificial Intelligence in Courts, 2026.

[63] *Ibid,*

International experience supports such safeguards. The Federation of American Scientists recommends standardized AI procurement clauses addressing explainability, data governance, algorithmic bias, and performance monitoring.[64] Similarly, the Canadian Directive on Automated Decision-Making and the European Union Artificial Intelligence Act emphasize transparency, accountability, and human oversight in public-sector AI procurement.[65]

Finally, procurement contracts should provide for periodic review and termination rights. Courts must possess the authority to suspend or terminate the use of AI systems that demonstrate bias, security vulnerabilities, unacceptable error rates, or non-compliance with legal obligations. Such provisions are particularly important given the rapid evolution of AI technologies.

Therefore, while the Draft Regulations establish an important regulatory foundation, explicit contractual clauses concerning retraining restrictions, audit cooperation, transparency documentation, algorithmic accountability, cybersecurity obligations, and vendor accountability would substantially strengthen judicial procurement processes. These safeguards would ensure that private participation in judicial AI remains compatible with constitutional values, judicial independence, and public confidence in the administration of justice.

Question 8. The proposal for an AI Content Verification Authority and mandatory disclosure of AI-generated material is a significant innovation. How can these mechanisms be designed so that they promote candour and responsible use of AI by the Bar and litigants, without unduly burdening routine filings or increasing the cost of access to justice?

The proposal, to establish an AI Content Verification Authority with the requirement of the mandatory disclosure for AI-generated material represents one of the most significant developments in the governance of AI within the justice delivery system. The increasing use

[64] Federation of American Scientists, *How States Should Purchase AI to Ensure Accountable Use* (2025).

[65] European Union Artificial Intelligence Act, Regulation (EU) 2024/1689; Government of Canada, *Directive on Automated Decision-Making* (2020).

of generative AI tools by advocates, litigants, law firms, legal aid organisations and even judicial institutions has created opportunities for improving legal research, drafting and access to justice. At the same time, it has also exposed courts to new risks such as fabricated case citations, manipulated evidence, deep fake documents and inaccurate legal analysis.

The Supreme Court of India's Draft Regulations for the Use of Artificial Intelligence in Courts, 2026, seeks to address these concerns by encouraging transparency rather than prohibiting innovation. This approach is consistent with constitutional principles because it recognises that technology should strengthen, rather than replace, human judgment in judicial proceedings. Therefore, the proposed verification authority and disclosure obligations should be designed to encourage honesty and accountability while ensuring that ordinary litigants are not discouraged from approaching the courts due to increased procedural or financial burdens.[66]

The main objective of the authority should not be to regulate every use of artificial intelligence by lawyers or litigants. Instead, its purpose should be to preserve the integrity of judicial proceedings by verifying whether AI-assisted submissions comply with minimum standards of authenticity, accuracy and disclosure. Such an authority should function as an independent regulatory and technical body rather than as another layer of judicial administration.

It should consist of judges, legal academics, computer scientists, cyber-security experts, representatives of the Bar, and specialists in digital evidence. This multidisciplinary composition would ensure that legal and technical perspectives are equally represented.[67] Similar collaborative governance models have been recommended internationally because AI regulation cannot be effectively achieved through legal expertise alone. Technical understanding is equally essential for identifying manipulated content and assessing the reliability of AI-generated outputs.[68]

[66] Supreme Court of India, *Draft Regulations for the Use of Artificial Intelligence (AI) in Courts* (2026).
[67] Council of Europe, *Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law* (2024).
[68] NIST, *Artificial Intelligence Risk Management Framework 1.0* (2023); OECD (2024).

The verification model should be based on the principle of proportionality. Not every document submitted before a court presents the same level of risk. Routine procedural applications, adjournment requests, filing defects and administrative communications generally do not require extensive AI scrutiny.

By contrast, affidavits, expert reports, legal opinions, digital evidence, witness statements, forensic reports and substantive pleadings that rely heavily upon AI-generated material involve greater risks of misinformation. Consequently, the verification authority should adopt a risk-based model whereby only high-risk documents require detailed verification. This approach prevents unnecessary delay and avoids increasing litigation costs for ordinary citizens while ensuring that documents capable of influencing judicial outcomes receive appropriate scrutiny.[69]

The mechanism for the mandatory disclosure should be designed carefully. Disclosure should not mean that every advocate is required to provide lengthy declarations whenever a spelling correction software or grammar checker is used. Modern legal drafting routinely involves digital tools, and imposing disclosure obligations for every technological assistance would be unrealistic. Instead, disclosure should become mandatory only where generative AI substantially contributes to legal research, drafting, factual analysis, evidence generation or document preparation.[70]

The disclosure should simply state that AI assistance was used, identify the tool where reasonably possible, indicate the extent of reliance, and confirm that a qualified advocate or litigant has independently verified the accuracy of the final submission. Such a limited disclosure promotes transparency without transforming routine litigation into an excessively bureaucratic exercise.[71]

Candour remains one of the most important ethical duties owed by advocates to the court. The legal profession has always required lawyers to present truthful facts and accurate legal

[69] European Union Artificial Intelligence Act 2024, Recital 176.
[70] Law Society of England and Wales, *Generative AI Guidance* (2024); UNESCO (2021).
[71] American Bar Association, *Formal Opinion 512: Generative Artificial Intelligence Tools* (2024).

authorities. AI does not change this professional obligation; rather, it increases its significance. Courts around the world have witnessed instances where lawyers submitted fabricated judicial precedents generated by AI systems without verification.[72] Such incidents demonstrate that disclosure alone is insufficient unless accompanied by professional responsibility.[73] Therefore, the verification mechanism should reinforce the existing ethical duties contained in professional conduct rules by making advocates personally responsible for confirming the authenticity of every citation, precedent and factual assertion generated with AI assistance. This maintains the long-standing principle that responsibility for legal submissions ultimately rests with human professionals.

At the same time, the verification authority must avoid creating a culture of fear regarding AI use. Artificial intelligence has the potential to improve legal research, simplify drafting and reduce litigation expenses, particularly for young lawyers, legal aid clinics and self-represented litigants. Excessively punitive disclosure rules may discourage beneficial innovation and unintentionally widen the digital divide between large law firms and smaller practitioners.[74] Accordingly, regulatory design should distinguish between good-faith errors arising from responsible AI use and deliberate attempts to mislead the court. Penalties should be reserved for intentional concealment, reckless reliance upon AI-generated misinformation or repeated violations of disclosure obligations. Honest mistakes that are promptly corrected should ordinarily attract guidance rather than punishment.[75]

An effective AI Content Verification Authority should also employ technological solutions instead of relying exclusively upon manual review. Digital verification tools capable of identifying AI-generated text, manipulated images, synthetic audio and altered metadata can assist courts without requiring judges to conduct extensive technical examinations.[76] However, these tools should themselves remain transparent, independently audited and open to challenge

[72] American Bar Association Formal Opinion 512 (2024).
[73] Federal Court cases concerning AI-generated false citations (2023–2025).
[74] Mireille Hildebrandt, "Law as Computation in the Era of Artificial Legal Intelligence: Speaking Law to the Power of Statistics" 68(1) *University of Toronto Law Journal* 12–35 (2018).
[75] OECD AI Principles (2024).
[76] Artificial Intelligence Management Systems; UNESCO (2021).

by affected parties. Verification software should never become conclusive evidence because AI detection technologies continue to produce false positives and false negatives. Judicial officers must retain the final authority to determine evidentiary reliability after considering all relevant circumstances.[77]

The disclosure framework should also recognise the constitutional principle of access to justice under Article 39A of the Constitution of India.[78] Many litigants cannot afford experienced legal representation and increasingly depend upon free or inexpensive AI tools for preparing legal documents. Requiring costly verification certificates for every filing would disproportionately affect economically weaker sections and undermine the constitutional commitment to equal justice. Therefore, verification costs should primarily be borne institutionally by the judiciary rather than individually by litigants. Online verification portals, automated screening systems and publicly funded digital infrastructure can minimise compliance costs while preserving procedural fairness.

Whenever AI-generated analysis substantially influences legal submissions, parties should be able to explain, in ordinary language, how AI assisted the preparation of the document. This strengthens procedural fairness because opposing parties receive an opportunity to challenge AI-assisted reasoning where necessary. Nevertheless, it should not require disclosure of confidential client communications or proprietary software code. Instead, the focus should remain upon explaining the functional role of AI rather than revealing privileged information or commercial secrets.[79]

The proposed authority should maintain a publicly accessible repository of anonymised AI-related judicial decisions, disciplinary actions and verification outcomes. Such transparency would gradually create a body of best practices comparable to judicial precedents. Lawyers could learn from previous mistakes, technology developers could improve AI systems, and researchers could study emerging trends in responsible AI governance. Publication of

[77] European Union AI Act (2024).
[78] The Constitution of India, art. 39A.
[79] Council of Europe Framework Convention (2024).

anonymised decisions also strengthens predictability and consistency in regulatory enforcement while preserving individual privacy.[80]

Finally, the long-term success of an AI Content Verification Authority will depend upon maintaining an appropriate balance between technological innovation and constitutional values. Artificial intelligence should remain a tool that assists legal professionals rather than replacing human judgment.[81]

Mandatory disclosure should promote honesty without creating procedural complexity. Verification should protect judicial integrity without delaying ordinary litigation. Regulatory obligations should remain proportionate to the level of risk involved, thereby ensuring that access to justice remains affordable and efficient. Ultimately, the legitimacy of AI governance within the judicial system will depend not upon the quantity of regulation but upon the quality, fairness and transparency of the regulatory framework.[82] A balanced verification authority, grounded in constitutional principles of equality, fairness, access to justice and judicial independence, can strengthen public confidence in both artificial intelligence and the administration of justice while ensuring that technological progress serves the broader objectives of the rule of law.

Question 9. The draft envisages capacity building, training, and a repository of best practices on AI incidents. What pedagogical approaches, institutional partnerships, or feedback loops might best ensure that these capacity-building initiatives remain continuous, inclusive (linguistically and geographically), and responsive to lessons from real-world deployment?

The usefulness and success of the regulatory framework relating to the use of AI in courts depend not only on the legal and regulatory rules but also on the capacity of stakeholders, how they use it responsibly, and how they deal with it. Recognising this reality, the Supreme Court of India's Draft Regulations for the Use of Artificial Intelligence in Courts, 2026 rightly

[80] CEPEJ Ethical Charter on the use of AI in Judicial System (2024).
[81] Council of Europe, *Framework Convention on Artificial Intelligence* (2024).
[82] Harry Surden, "Artificial Intelligence and Law: An Overview" 35(4) *Georgia State University Law Review* 1305–1335 (2019).

propose continuous capacity building, specialised training programmes and the creation of a repository documenting AI-related incidents and best practices.[83] These initiatives acknowledge that AI governance cannot be achieved merely through regulation or enforcement. Since AI technologies evolve rapidly, legal professionals must continually update their knowledge and skills. Therefore, capacity building should be viewed as an ongoing institutional responsibility rather than a one-time training exercise.[84]

A sustainable training ecosystem should combine legal education, technological awareness, ethical reasoning and practical experience so that all stakeholders remain capable of responding to emerging AI-related challenges while preserving the constitutional values of fairness, transparency and access to justice.[85]

One of the most effective pedagogical approaches would be the adoption of competency-based legal education instead of traditional lecture-based training. AI regulation requires participants not only to know legal principles but also to apply them in practical situations involving AI-generated evidence, algorithmic bias, synthetic media, automated legal research and digital case management.[86]

Training should therefore include practical simulations, problem-solving exercises, case studies and mock hearings involving AI-assisted litigation. Judges and lawyers learn more effectively when they analyse realistic legal disputes rather than merely studying theoretical concepts. Experiential learning also enables participants to recognise the strengths and limitations of AI systems while developing professional judgment regarding appropriate human oversight.[87]

Capacity-building programmes should also be interdisciplinary in nature. Artificial intelligence operates at the intersection of law, computer science, ethics, data governance,

[83] Supreme Court of India, *Draft Regulations for the Use of Artificial Intelligence (AI) in Courts* (2026).
[84] World Economic Forum, *AI Governance Alliance: Presidio Recommendations on Responsible Generative AI* (2024).
[85] UNESCO, *Recommendation on the Ethics of Artificial Intelligence* (2021).
[86] NIST, *Artificial Intelligence Risk Management Framework 1.0* (2023).
[87] Stanford Human-Centred Artificial Intelligence (HAI), Policy Reports (2023–2025).

cybersecurity and public administration. Consequently, legal professionals should receive training not only from senior judges and legal scholars but also from computer scientists, AI engineers, digital forensic experts, cybersecurity specialists and ethicists. Similarly, technical experts participating in AI development for judicial systems should receive orientation regarding constitutional law, judicial ethics and procedural fairness. Such interdisciplinary learning encourages mutual understanding and reduces communication barriers between legal and technological communities. It also ensures that AI systems developed for courts remain legally compliant and constitutionally sensitive.[88]

Another essential pedagogical strategy involves integrating AI education into legal education from the university level itself. Law schools should incorporate compulsory courses on artificial intelligence, algorithmic accountability, digital evidence, cyber law and technology ethics within undergraduate and postgraduate curricula. Continuing Legal Education (CLE) programmes should similarly include regular AI modules for practising advocates. Such early exposure would gradually build a technologically competent legal profession capable of engaging with AI responsibly throughout their careers.[89] Universities should also encourage interdisciplinary research collaborations involving law, computer science, management and public policy departments to generate indigenous scholarship addressing India's unique legal and social realities.[90]

Training should never be confined to judges and advocates alone. Court registrars, stenographers, translators, legal aid lawyers, police investigators, prosecutors and administrative personnel increasingly interact with AI-enabled technologies during judicial processes.[91]

Consequently, institutional capacity building should adopt a whole-of-justice-system approach whereby every participant receives training appropriate to their functional responsibilities.

[88] UNESCO, *Recommendation on the Ethics of Artificial Intelligence* (Paris, 2021)
[89] NITI Aayog, *Responsible AI* (2021).
[90] Dona Mathew, "Technology-enabled Justice in Indian Courts: New Dilemmas and Way Forward" 10(1) *Indian Law Review* 1-25 (2025).
[91] World Bank, *GovTech Maturity Index* (2022).

Such inclusive institutional learning strengthens coordination across the justice delivery chain and reduces inconsistencies in AI governance. Moreover, litigants themselves should receive simplified educational material explaining how AI may be used in court proceedings and what safeguards protect their legal rights.

Institutional partnerships will play a decisive role in sustaining continuous AI education. The Supreme Court, High Courts and National Judicial Academy should collaborate with institutions such as the Indian Institutes of Technology (IITs), Indian Institute of Science (IISc), National Law Universities, Indian Statistical Institute, Centre for Development of Advanced Computing (C-DAC), Digital India Corporation and international research organisations.

Such partnerships would combine judicial experience with cutting-edge technical expertise and ensure that training materials remain updated in response to technological developments. International collaboration with organisations such as UNESCO, OECD, the Council of Europe, the Global Partnership on Artificial Intelligence (GPAI) and the World Economic Forum would further expose Indian judicial institutions to comparative best practices while allowing India to contribute its own experiences to global AI governance.[92]

An equally important consideration is linguistic inclusiveness. India is characterised by extraordinary linguistic diversity, and meaningful access to justice requires that AI education not remain confined to English-speaking legal professionals. Training manuals, digital courses, explanatory videos and awareness programmes should therefore be translated into all major Indian languages.

AI-powered translation tools such as the Supreme Court's SUVAS initiative may assist this objective, but human review remains essential to preserve legal accuracy. Regional judicial academies should be empowered to adapt training materials according to local languages and

[92] World Economic Forum, *AI Governance Alliance* (2024).

procedural requirements so that judicial officers across different states receive equally effective education.[93]

Geographical inclusiveness is equally significant because technological resources remain unevenly distributed across India. Judges and lawyers working in metropolitan cities often possess greater access to digital infrastructure than those serving rural districts and remote regions. Capacity-building initiatives should therefore adopt blended learning models combining online platforms with periodic regional workshops, mobile digital classrooms and district-level training centres. Offline learning materials should also remain available for areas experiencing limited internet connectivity. Such decentralised delivery mechanisms would promote equality of opportunity and prevent technological advancement from becoming concentrated within urban judicial institutions alone.[94]

Continuous learning also requires structured certification programmes. Instead of treating AI education as optional, judicial academies and bar councils should introduce periodic certification or refresher programmes addressing new AI developments. Completion of such programmes may be recognised through Continuing Judicial Education credits and Continuing Legal Education requirements. Certification should not operate as a barrier to professional practice but rather as a mechanism encouraging lifelong learning. Since AI technologies evolve rapidly, professional competence similarly requires regular updating rather than reliance upon past knowledge.[95]

The repository should further incorporate structured feedback loops ensuring that lessons from real-world deployment directly influence future training materials and regulatory policies. Every significant AI-related judicial incident should be followed by technical evaluation, legal analysis and educational dissemination.[96]

[93] Virginia Dignum, *Responsible Artificial Intelligence: How to Develop and Use AI in a Responsible Way* (Springer, 2019).
[94] UNESCO Global Education Monitoring Report (2023).
[95] Law Society of England and Wales *AI Guidance* (2024).
[96] World Economic Forum *AI Governance Alliance* (2024).

International cooperation can substantially strengthen domestic capacity-building efforts. Indian judicial institutions should participate in international judicial dialogues, comparative research projects and knowledge-sharing networks focusing upon AI governance.[97] Learning from experiences in jurisdictions such as the European Union, Singapore, Canada, Australia and the United Kingdom would assist India in avoiding regulatory mistakes while adapting successful practices to domestic constitutional requirements. Simultaneously, India's experience with multilingual justice delivery and digital public infrastructure can provide valuable lessons for other developing legal systems confronting similar challenges.[98]

Ultimately, capacity building should be understood as a continuous institutional culture rather than a series of isolated training programmes. Artificial intelligence will continue to evolve, generating new legal questions regarding evidence, accountability, privacy, procedural fairness and judicial ethics.[99] Accordingly, educational institutions, regulatory authorities, technology developers and legal professionals must remain engaged in permanent dialogue supported by evidence-based feedback mechanisms.

A dynamic combination of competency-based education, interdisciplinary partnerships, multilingual accessibility, geographically inclusive delivery systems, structured certification, institutional repositories, empirical evaluation and participatory governance can ensure that the Supreme Court's proposed AI framework remains effective over time. Such an approach not only strengthens the responsible use of AI within the justice delivery system but also reinforces the constitutional commitment to equal access to justice, judicial independence, transparency and the rule of law in an increasingly technology-driven society.

Question 10. Finally, the inclusion of a review clause signals the Committee's awareness of technological dynamism. What structured review processes (for example, periodic public consultations, empirical impact assessments, or pilot project evaluations) could be

[97] Commonwealth AI Consortium; OECD (2024).
[98] Singapore Model AI Governance Framework (updated 2024).
[99] Alan Turing Institute Research Reports (2023).

incorporated or elaborated to ensure that future amendments remain evidence-based and faithful to constitutional values?

The inclusion of review clause in the Supreme Court of India's Draft Regulations for the Use of Artificial Intelligence (AI) in Courts, 2026 shows an important recognition that artificial intelligence is one of the fastest evolving technologies in contemporary society.[100] Unlike conventional legal reforms, AI regulation cannot remain static because technological capabilities, legal risks and societal expectations continue to change rapidly.

A regulatory framework that appears appropriate today may become outdated within a few years due to advances in generative AI, large language models, automated decision-support systems and digital evidence technologies. Consequently, the review clause should not merely provide for occasional amendments but should establish a structured and institutionalised review process that enables continuous learning, public accountability and evidence-based policymaking. Such an approach is consistent with the constitutional vision of responsive governance, which requires laws and institutions to adapt to changing social and technological realities while remaining committed to the principles of equality, fairness, judicial independence and the rule of law.[101]

The first requirement for an effective review mechanism is the establishment of fixed and predictable review cycles. Instead of leaving amendments to administrative discretion, the regulations should mandate comprehensive reviews every year or every two or three years together with annual monitoring reports addressing technological developments, implementation challenges and emerging risks.

Scheduled reviews promote regulatory certainty because courts, lawyers and technology developers know when policy changes will be considered. They also prevent situations in which outdated rules continue to govern rapidly changing technologies. However, the regulations should simultaneously permit extraordinary reviews whenever significant

[100] Supreme Court of India, *Draft Regulations for the Use of Artificial Intelligence (AI) in Courts* (2026).
[101] UNESCO, *Recommendation on the Ethics of Artificial Intelligence* (2021).

technological breakthroughs or unforeseen AI-related incidents substantially affect the administration of justice. This combination of periodic and event-triggered reviews would ensure both stability and flexibility.[102]

An evidence-based review process must begin with systematic collection of empirical data regarding the actual operation of AI within judicial institutions. Regulatory reform should never depend solely upon assumptions, isolated incidents or speculative concerns. Instead, judicial authorities should regularly collect information regarding the frequency of AI use in litigation, disclosure compliance, AI-related procedural errors, costs incurred by litigants, time saved during case management, judicial satisfaction, user experience and reported instances of algorithmic bias or fabricated legal material. Such empirical evidence enables policymakers to distinguish between genuine regulatory gaps and isolated operational difficulties. Data-driven governance also reduces the likelihood of overregulation while ensuring that future amendments respond to demonstrable institutional needs.[103]

Periodic public consultations should constitute another central component of the review process. Judicial AI regulation affects a wide range of stakeholders including judges, advocates, litigants, legal aid organisations, law schools, technology companies, civil society organisations, disability rights groups and academic researchers.

Accordingly, future amendments should be preceded by transparent consultation papers inviting written submissions, regional stakeholder meetings and digital consultation platforms accessible throughout the country.[104] Public participation enhances democratic legitimacy because regulations benefit from practical experience rather than remaining confined to expert opinion alone. It also improves regulatory quality by identifying operational challenges that may not be visible to policymakers working at the national level.[105]

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[102] National Institute of Standards and Technology, *Artificial Intelligence Risk Management Framework (AI RMF 1.0),* 8-12 (US Department of Commerce, 2023).
[103] UNESCO, *Recommendation on the Ethics of Artificial Intelligence* (2021) para 124–128.
[104] Council of Europe, *Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law: Explanatory Report* (2024) para 138–150.
[105] OECD, *Recommendation on Open Government* (2017).

The consultation process should be inclusive rather than merely procedural. India possesses remarkable linguistic, geographical and socio-economic diversity, and meaningful participation requires that consultation documents be translated into major Indian languages and disseminated through regional judicial academies, State Bar Councils, Legal Services Authorities and law universities. Online consultations should be supplemented by physical workshops in different regions to ensure participation by lawyers and litigants who may not possess reliable internet access. Such inclusive consultation mechanisms would better reflect the constitutional commitment to equality and access to justice while preventing AI governance from becoming dominated by technologically advanced urban institutions.[106]

The review framework should also incorporate structured pilot project evaluations before introducing significant technological reforms nationwide. Pilot projects allow judicial institutions to test AI systems under controlled conditions while identifying operational, ethical and constitutional challenges before large-scale implementation. Every pilot project should clearly specify measurable objectives, evaluation criteria, duration, user feedback mechanisms and independent assessment procedures. Upon completion, detailed evaluation reports should be published explaining the benefits achieved, challenges encountered and lessons learned. Regulatory amendments should rely upon these empirical findings rather than theoretical expectations regarding AI performance.[107]

A multidisciplinary Review Committee should oversee every regulatory evaluation. AI governance cannot remain exclusively within the domain of judges or computer scientists because effective regulation requires expertise from multiple disciplines. Accordingly, review committees should include judges, advocates, legal academics, AI researchers, cybersecurity specialists, behavioural scientists, economists, digital rights experts, representatives of Legal Services Authorities and members of civil society organisations. Diverse institutional

[106] Karen Yeung, "Algorithmic Regulation: A Critical Interrogation" 12(4) *Regulation & Governance* 514-520 (2017).
[107] European Commission, *Ethics Guidelines for Trustworthy AI* (2019).

representation improves decision-making by ensuring that legal, technological, ethical and social considerations receive equal attention during the review process.[108]

Feedback loops should not conclude once amendments are adopted. Every new regulation should contain post-implementation monitoring mechanisms allowing judges, advocates and litigants to report operational difficulties encountered during practical application.

Dedicated digital portals, confidential reporting systems and annual stakeholder surveys would enable regulators to receive continuous feedback regarding unintended consequences. Such dynamic feedback loops transform regulation into an evolving learning process rather than a static legal instrument. They also reduce the delay between identifying problems and introducing corrective reforms.[109]

Academic institutions should also play a formal role in the review process. Universities, National Law Universities, IITs, Indian Statistical Institute and independent research centres should be encouraged to undertake empirical studies examining AI implementation within courts. Government-supported competitive research grants could stimulate high-quality scholarship addressing algorithmic transparency, judicial ethics, digital evidence and AI accountability. Findings from peer-reviewed research should inform future regulatory amendments, thereby strengthening the scientific foundation of judicial AI governance.

Transparency represents another indispensable principle governing periodic reviews. Draft amendment proposals, consultation responses, empirical reports, pilot evaluations and committee recommendations should ordinarily be published unless confidentiality is genuinely required. Public availability of review documents enables independent academic scrutiny, strengthens institutional accountability and promotes informed public debate regarding judicial AI governance.

[108] Council of Europe Framework Convention (2024).
[109] OECD *AI Policy Observatory* (2024).

Transparency also enhances public confidence because regulatory decisions become capable of objective evaluation rather than remaining confined within administrative processes.[110] The review mechanism should also incorporate measurable performance indicators. Instead of relying upon general observations, policymakers should periodically evaluate objective indicators such as litigation costs, disposal time, frequency of AI-related disclosure violations, number of reported hallucinated citations, user satisfaction, accessibility improvements and reduction in administrative workload.[111] Quantifiable indicators allow policymakers to determine whether existing regulations actually achieve their intended objectives and whether future amendments are justified by demonstrable institutional outcomes.[112]

Ultimately, the review clause should be understood as a constitutional safeguard rather than merely an administrative requirement. Artificial intelligence possesses immense potential to improve judicial efficiency, legal research and access to justice, yet it also creates significant risks involving privacy, discrimination, misinformation and erosion of human accountability. A structured review process combining periodic public consultations, empirical impact assessments, pilot project evaluations, multidisciplinary oversight, constitutional auditing, international cooperation, academic research, transparent reporting and continuous stakeholder feedback can ensure that future amendments remain evidence-based, proportionate and responsive to technological change. Such an adaptive governance model respects the constitutional commitment to the rule of law by ensuring that AI remains a tool serving justice rather than a force shaping justice without democratic accountability. The long-term legitimacy of AI regulation within Indian courts will therefore depend not upon regulatory rigidity but upon an institutional culture of continuous learning, public participation, constitutional fidelity and evidence-based reform.

[110] OECD Open Government Recommendation (2017).
[111] World Justice Project, *Rule of Law Index* (2024).
[112] OECD AI Capability Indicators (2024).

PART II: RECOMMENDATIONS ON THE DRAFT REGULATIONS FOR USE OF ARTIFICIAL INTELLIGENCE IN COURTS, 2026

The Draft Regulations for Use of Artificial Intelligence in Courts, 2026 are a significant and timely initiative towards building a principled framework for the adoption, deployment, and governance of artificial intelligence within the judicial system. The draft is especially commendable for anchoring AI governance in constitutional values such as human primacy, judicial independence, due process, fairness, non-discrimination, transparency, privacy, and access to justice. It also reflects a welcome awareness of the need to prohibit certain high-risk uses of AI in adjudicatory contexts and to ensure that AI remains assistive rather than determinative in judicial processes.

At the same time, the present draft would benefit from further refinement in order to improve its institutional coherence, drafting precision, enforceability, and rights protective content. The following recommendations are therefore proposed with a view to preserving the normative strengths of the draft while making it more administratively workable and jurisprudentially strong.

1. Scope of Application

Recommendation 1: Remove tribunals and statutory commissions from the direct binding scope of the Regulations.

The present draft applies not only to the Supreme Court of India, the High Courts, and subordinate courts, but also to tribunals and statutory commissions performing adjudicatory functions. This is reflected in Regulation 2, Regulation 1(2)(b), and the definition of "Court" under Regulation 3(o).

This approach should be reconsidered. Courts, tribunals, and statutory commissions do not share the same constitutional status, institutional design, or administrative framework. A uniform binding regime for all such bodies may therefore create practical and legal complications, particularly in relation to supervision, staffing, implementation, approval authority, and reporting structures.

It is therefore recommended that the Regulations should apply directly only to the Supreme Court of India, the High Courts, and the courts subordinate to them. Tribunals and statutory commissions

may instead be expressly permitted to adopt the Regulations as a model framework, with such modifications as may be necessary in light of their parent statutes and institutional arrangements.

Recommendation 2: Amend Regulation 2 to incorporate a model adoption clause for tribunals and commissions.

A revised Regulation 2 may clarify that tribunals, statutory commissions, and similar adjudicatory bodies may, where appropriate, adopt these Regulations *mutatis mutandis* as a guiding framework. This would preserve the persuasive value of the draft without imposing a rigid 'one size fits all' regime on bodies that are structurally distinct from the constitutional court system.

2. Definitions and Drafting Clarity

Recommendation 3: Revise the definition of "Court" to exclude tribunals and statutory commissions.

Once the direct application of the Regulations is narrowed, the definition of "Court" under Regulation 3(o) must also be revised accordingly. It should refer to the Supreme Court of India, the High Courts, and courts subordinate to them, rather than including tribunals and statutory commissions.

Recommendation 4: Revise related definitions that presently depend on tribunal and commission inclusion.

Consequential amendments will be required to the definitions of "Appropriate Authority" under Regulation 3(l) and "Institutional Head" under Regulation 3(zc), both of which presently assume the inclusion of tribunals and commissions within the regulatory structure. If tribunals and commissions are treated only as prospective adopters of the model, these definitions should be simplified to align with the revised scope.

Recommendation 5: Improve the definition of "Artificial Intelligence".

The present definition of "Artificial Intelligence" is broadly functional but may still generate interpretive uncertainty because it includes broad references to "algorithms, computational processes, and software". Since ordinary digital tools also rely on algorithms and software, the definition should more clearly distinguish AI systems from conventional rule-based tools.

It is recommended that the definition should focus on inference, generation of outputs, and varying degrees of autonomy, while separately clarifying that ordinary general-purpose software is excluded unless specifically embedded with or dependent upon AI capabilities. This would improve both conceptual clarity and administrative usability.

3. Human Rights and Procedural Safeguards

Recommendation 6: Insert an explicit litigant's right to explanation.

The draft does not presently create a clear procedural right for litigants to obtain an explanation when AI materially affects a process touching their rights or interests. Although Regulation 7 speaks of transparency and explainability, it does not create an enforceable entitlement in favour of affected persons.

It is therefore recommended that the draft insert a specific provision to the effect that any litigant materially affected by an AI assisted process shall have the right, upon request, to receive a clear, comprehensible, and non-technical explanation of the role played by the AI system, the nature of its inputs, and the manner in which its output was used.

Recommendation 7: Make human verification non waivable in liberty sensitive matters.

Regulation 8(3) currently permits the responsible officer, for recorded reasons, to dispense with verification of AI generated outputs in certain cases, and also allows class based deemed verification for reliable administrative tools. While this may be operationally justified for routine administrative matters, it is inappropriate where personal liberty or comparable high stakes interests are involved.

It is therefore recommended that the Regulations expressly provide that in any proceeding affecting personal liberty, detention, bail, sentencing, or similar serious consequences, human verification shall be mandatory and may not be dispensed with on any ground.

Recommendation 8: Mandate vulnerable group impact assessments.

The draft already contains commendable provisions on fairness, non-discrimination, inclusivity, and accessibility. However, these commitments remain incomplete unless supported by a

structured assessment of whether AI tools may disproportionately burden vulnerable or marginalised groups.

It is therefore recommended that the Technical and Ethical Impact Assessment framework under Regulation 35 should be amended to require a specific vulnerable group impact assessment examining disparate effects on women, children, persons with disabilities, linguistic minorities, marginalised communities, and socio economically disadvantaged groups.

Recommendation 9: Provide for structured consultation where vulnerable groups may be affected.

Where an AI system is likely to affect groups already facing structural disadvantage, the regulatory process should provide for consultation with appropriate civil society organisations, legal aid bodies, disability rights groups, or other relevant stakeholders. This will make the inclusivity principle more meaningful and will better align the framework with the broader constitutional commitment to substantive equality.

4. Audits, Accountability, and Oversight

Recommendation 10: Expressly authorise independent external audits in cases of suspected bias or discrimination.

The present draft mandates technical, legal, and ethical audits, which is a notable strength. However, the audit structure would benefit from an express provision allowing independent external audits where credible concerns arise regarding bias, discrimination, systemic error, or serious malfunction.

Such audits should be conducted subject to strict confidentiality safeguards, judicial supervision, and appropriate limitations on disclosure of sensitive code, data, and system architecture. This would strengthen confidence in the audit process without compromising judicial data security.

Recommendation 11: Treat fabricated AI generated citations as reportable AI incidents.

The draft defines “hallucination” well and contains general accountability provisions, but it does not specifically address the known problem of fabricated legal authorities generated by AI tools.

The courts must guard against unverified use of hallucinated case law, statutory interpretations, or propositions.

It is therefore recommended that any instance of fabricated, false, or unverifiable AI generated legal citation used in a judicial or court process should be expressly recorded as an AI Incident and entered into the AI Incident Database.

5. Permitted Uses of AI

Recommendation 12: Expand the illustrative list of permitted uses under Regulation 19.

The present list of permitted uses is ample, but it can be expanded to better reflect realistic and beneficial judicial applications of AI. In addition to the existing categories, the following may be expressly included:

- AI assisted search across digitised court archives and record systems.
- Metadata extraction, document tagging, and record classification.
- Redaction of sensitive personal information prior to public release of court records.
- Multilingual document clustering and assisted translation support in registry functions.
- Procedural compliance tracking in administrative matters.
- AI assisted training simulations for judicial officers and staff, excluding live adjudicatory use.

These additions would make the framework more practically valuable while maintaining the assistive character of AI in courts.

6. Prohibited Uses of AI

Recommendation 13: Consolidate overlapping clauses in Regulation 20.

There is repetition between Regulation 20(1)(b), which prohibits AI only judicial outcomes, and Regulation 20(1)(c), which prohibits AI from performing adjudication or sentencing without 'Human in the Loop' and requires such output to remain advisory. In substance, both clauses seek to preserve the same principle: that AI cannot replace human judicial determination.

It is therefore recommended that these two clauses be consolidated into a single clearer prohibition stating that no judicial outcome, finding, order, sentence, or determinative adjudicatory recommendation shall be reached solely or substantially through AI, and that any AI generated output on adjudicatory questions shall remain purely advisory and subject to independent judicial evaluation.

Recommendation 14: Expressly prohibit unverified reliance on AI generated legal authorities.

The draft should clearly provide that no judicial officer, court staff member, or litigant shall rely upon AI generated citations, precedents, legal propositions, or statutory interpretations without independent verification from primary or otherwise authoritative legal sources. This is necessary in light of the demonstrated risk of AI hallucination in legal research contexts.

Recommendation 15: Add further prohibited uses.

The prohibited use list should be expanded to expressly include:

- AI based emotion recognition, truthfulness inference, or demeanour analysis of parties, witnesses, or accused persons.
- AI enabled ranking, scoring, or behavioural monitoring of judges in a manner affecting judicial independence.
- Automated case allocation or roster manipulation designed to influence adjudicatory outcomes.
- Fabrication, alteration, or synthetic generation of judicial records.
- Use of AI tools in court processes without prior approval, testing, or audit.

These additions would anticipate foreseeable harms and reduce regulatory ambiguity.

7. Institutional Architecture

Recommendation 16: Replace the proposed Apex Body with a streamlined Supreme Court AI Committee.

The present draft creates a permanent full time Apex Body at the Supreme Court level, in addition to separate AI Committees for the Supreme Court and each High Court. While ambitious, this structure may be unnecessarily elaborate and could create duplication of functions.

It is therefore recommended that the Supreme Court's existing AI Committee should function as the principal national coordinating and standard setting body, acting under the authority of the Chief Justice of India and, if considered appropriate, chaired by the Chief Justice or by a judge nominated by the Chief Justice. This would preserve judicial leadership while simplifying governance.

Recommendation 17: Provide for separate High Court AI Committees for jurisdiction specific implementation.

Each High Court should have its own AI Committee to oversee approvals, compliance, audits, training, deployment, and supplementary directions within its territorial jurisdiction. This would allow local flexibility while maintaining national coherence through a common framework.

Recommendation 18: Retain expert support through sub committees, but avoid an unnecessarily rigid permanent structure.

Technical, data, finance, cybersecurity, and research functions remain necessary. However, these may be provided through sub committees or advisory bodies under the Supreme Court AI Committee and the High Court AI Committees, rather than through a highly elaborate standing architecture fixed in the regulations themselves. A leaner design would likely prove more workable in practice.

8. Grievance Redressal and Remedies

Recommendation 19: Create a time bound grievance redressal mechanism.

The present grievance redressal mechanism under Regulation 52 is important, but not sufficiently structured. It is recommended that the draft require complaints relating to prohibited AI use, AI

caused harm, or serious malfunction to be dealt with within a specified time period, such as thirty days, subject to reasons for extension in exceptional cases.

A time bound mechanism would improve certainty, build public confidence, and ensure that AI related harms are treated with appropriate seriousness.

Recommendation 20: Provide an appellate or review mechanism before the relevant AI Committee.

Where a complaint reveals systemic issues, repeated bias, or broader governance concerns, the aggrieved party should have access to a structured review or appeal before the relevant AI Committee. This would ensure that the grievance mechanism serves not only individual remediation but also systemic correction and institutional learning.

PART III: DRAFT REGULATIONS FOR USE OF ARTIFICIAL INTELLIGENCE IN COURTS, 2026

CHAPTER I: PRELIMINARY

1. Short title and commencement. —

(1) These Regulations may be called the "Regulations for Responsible Use of Artificial Intelligence in Courts, 2026".

(2) These regulations, or any provision thereof, shall come into force-

(a) in their application to the Supreme Court of India, on such date as the Chief Justice of India may, by notification in the Official Gazette, appoint; and

(b) in their application to a High Court and to all Courts subordinate to such High Court, on such date as the Chief Justice of the respective High Court may, by notification, appoint, and different dates may be appointed for different provisions of these regulations; and[113]

(b) in their application to a High Court, and to all Courts, Tribunals and statutory Commissions falling within the jurisdiction of such High Court, on such date as the Chief Justice of the respective High Court may, by notification, appoint, and different dates may be appointed for different provisions of these regulations.

(3) Notwithstanding any provision thereof, different dates may be appointed for different Chapters, provisions, classes of courts, or categories of AI systems.

(a) The implementation of these Regulations shall be undertaken in a phased manner, having regard to but not limited to institutional readiness, technological infrastructure, cybersecurity capability, availability of trained personnel, linguistic and regional requirements.

(b) The Appropriate Authority may prescribe pilot projects, controlled testing environments, or limited deployment before full-scale implementation.

2. Application. —

(1) These regulations shall apply to the use, deployment, or integration of Artificial

[113] Unless otherwise indicated, all text highlighted in green represents proposed insertions or amendments recommended by the Commonwealth Legal Education Association (CLEA) based on the recommendations in part II. The remaining text reproduces the Draft Regulations issued for public consultation by the Hon'ble Supreme Court of India.

Intelligence in any judicial, adjudicatory, or administrative function of the Supreme Court of India, the High Courts, and all Courts subordinate thereto, within the territory of India.

(2) Any Tribunal, statutory Commission, or other adjudicatory body not covered under sub-regulation (1) may, with such modifications as may be necessary having regard to its governing statute, structure, and procedure, adopt these regulations as a model framework for the responsible use of Artificial Intelligence in its processes.[114]

(3) The Appropriate Authority may exempt, modify, or phase the application of these Regulations in respect of particular classes of tribunals or adjudicatory bodies for reasons to be recorded in writing.

3. Definitions. —

(1) Unless the context otherwise requires, —

(a) "adjudicatory function" includes any function of a Court that directly involves the application of law to facts for the purpose of determining the rights, liabilities, status, or obligations of any party, including the hearing and disposal of suits, appeals, revisions, petitions and applications, the recording of evidence, the framing of issues, the passing of orders on merits, and the pronouncement of judgments and sentences;

(b) "administrative function" includes any function of a Court, other than an adjudicatory function, such as, case filing and registration, cause-list preparation, scheduling and listing of matters, issuance of notices, summons and process, maintenance of records and registers, defect scrutiny, fee computation, certified copy issuance, and other ministerial and secretarial functions of the Court Registry, and the term "administrative" shall be construed accordingly;

(c) "AI Audit" means the oversight and accountability mechanism provided under Regulation 38 of these Regulations**;**

(d) "AI Committee" means the Committee of Judges constituted in the Supreme Court or in each High Court for the purposes of these regulations under regulation 33;

(e) "AI Incident" means any event, in which the use, operation, failure, erroneous output or malfunction of an AI System, directly or indirectly, results in, or creates a substantial risk of harm to any person, or infringement of any right, or disruption of any Court process, or a breach of data

[114] The inclusion of Tribunals, statutory Commissions, or other quasi-judicial bodies within the scope of these Regulations may require further examination in consultation with the Hon'ble AI Committee and the respective rule-making or administrative authorities governing such institutions, having regard to their distinct statutory frameworks, constitutional position, and existing rules of practice and procedure.

security or confidentiality;

(f) “AI Register” means the official register required to be maintained by the Court under regulation 37;

(g) “AI Secretariat” means the secretariat established under Regulation 34 of these Regulations.

(h) “AI Service Provider” includes any organisation which, or a person who, by virtue of a contract, designs, develops, trains, fine-tunes, or integrates an AI System for deployment in any Court process, and assumes express or implied contractual, statutory, or regulatory obligation towards the Court and remains accountable for the performance, accuracy, fairness, transparency, and security of such AI System throughout its lifecycle;

(i) “AI System” or “AI Tool” includes any software, platform, application, device, or process that employs Artificial Intelligence to perform tasks in connection with any Court process;

(j) “Algorithmic Decision-Making (ADM)” means the use of outputs produced by algorithms (whether in whole or in part) to inform, recommend, or arrive at a decision affecting any person or process;

(k) “anonymisation” means the process of irreversibly altering or removing personal information from a dataset such that the data subject cannot be identified, directly or indirectly, including by reference to any name, identification number, location data, or any other factor specific to the identity of that person;

(l) Appropriate Authority” means—

(i) the Supreme Court AI Committee, in relation to the Supreme Court of India; or

(ii) the AI Committee of the respective High Court, in relation to that High Court and the Courts subordinate to it;

(m) “Artificial Intelligence (AI)” means a machine-based system that, for explicit or implicit objectives, infers from the input it receives how to generate outputs such as predictions, recommendations, classifications, summaries, content, or other assistance capable of influencing a Court process, with varying degrees of autonomy; but does not include ordinary general-purpose software or rule-based digital tools unless such software or tools are specifically embedded with, augmented by, or functionally dependent upon artificial intelligence capabilities;

(ma) “Automation bias” means the tendency of a user to place undue reliance on outputs

generated by an AI system, thereby diminishing independent judgment.

(n) "Black Box" refers to an AI System, which typically employs deep learning techniques and whose internal processes and decision-making logic are not transparent, comprehensible, or capable of being explained by reference to identifiable rules or factors accessible to the user or affected person;

(na) "Controlled Environment Testing" means a secure, controlled and isolated testing environment created to enable the development, testing or evaluation of software, applications, systems or processes for use in Court processes, wherein the activities carried out within such environment do not affect, interfere with, or compromise the integrity, security, or functioning of the primary operational system or network of any Court;

(o) "Court" means the Supreme Court of India, a High Court, or any Court subordinate to a High Court, as the case may be;

(p) "Court data" means any data generated by or in possession of a Court;

(q) "Court process" includes any work, function, or activity relating to the adjudicatory, quasi-adjudicatory, or administrative functions of a Court, including but not limited to filing, scheduling, hearing management, evidence handling, legal research, drafting, translation, transcription, and record management;

(r) "cyber security" shall have the same meaning as assigned to it in clause (nb) of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000);

(s) "data" shall have the same meaning as assigned to it in clause (h) of section 2 of the Digital Personal Data Protection Act, 2023 (22 of 2023);

(t) "data minimisation" means the principle that an AI System shall collect, process and retain only such personal data as is strictly necessary for the specific purpose for which it is deployed, and shall not collect, aggregate, or retain personal data beyond the minimum required for that purpose; and such principle shall apply at the stages of system design, procurement, deployment and audit;

(u) "Designated Officer" means a judicial officer or a Court officer specifically nominated by the Appropriate Authority to supervise, verify, and take responsibility for the use of a specified AI System or AI Tool in a Court process;

(v) "Ethical Impact Assessment" means a structured pre-and-post-deployment evaluation, as specified by the Appropriate Authority, of the design and deployment of an AI System or AI Tool, proposed for use or deployed in Court processes, against the general principles specified under Chapter II;

(w) **"**explainability**"** means the capacity of an AI System to generate a comprehensible account of the reasoning, factors, weightings, and process by which it arrived at a particular output, recommendation, or decision, in terms that can be understood by the judicial officer, court staff, or litigant, to whom such account is directed; and an AI System shall be considered explainable, if such account may be provided upon request without requiring specialist technical knowledge on the part of the recipient;

(x) "external system" means any computing infrastructure, server, software platform or network, not owned, managed, or directly controlled by the Court or the Appropriate Authority;

(y) "Generative Artificial Intelligence (GenAI)" means a class of AI Systems designed to generate new content (including text, images, audio, video, and computer code) by learning statistical patterns and structures from large volumes of existing data; and no such GenAI-generated content shall be filed or produced before any Court, without mandatory disclosure of its origin and verification through a designated centralised mechanism, as may be decided by the Appropriate Authority;

(z) "hallucination" means a phenomenon in AI Systems, that generate outputs that appear plausible or coherent, which are factually incorrect, fabricated, misleading, or unsupported by verifiable data or source material, including fabrication, misstatement, or erroneous representation of legal facts, evidence, case precedents, statutory provisions, rules, or legal principles;

(za) "harm", in relation to AI Incidents, includes any kind of physical or financial damage, or damage to the reputation or rights of any individual, institution, or infrastructure;

(zb) "Human-in-the-Loop (HITL)" means a governance process in which the outputs, recommendations, or results generated by an AI System or AI Tool are subject to mandatory human review, supervision and verification, with final decision-making authority, responsibility, and accountability resting at all times with a human;

(zba) "Human primacy" means the principle that all judicial decisions and adjudicatory determinations shall remain subject to meaningful human control, supervision, and responsibility.

(zc) "Institutional Head" means the Chairperson or President of a Tribunal or Commission performing adjudicatory functions, under whose administrative authority it functions;

(zd) "Large Language Model (LLM)" means a type of AI System trained on extensive textual datasets to understand, generate and transform natural language, capable of performing tasks including translation, summarisation, legal research assistance and text generation;

(ze) "Machine Learning (ML)" means a subset of Artificial Intelligence that enables systems to learn from data and improve their performance on specific tasks without being explicitly programmed for each such task, by identifying patterns and generating predictive or analytical

outputs;

(zf) "private entity" means any company, firm, partnership, trust, society, or other legal entity, whether incorporated or not, that is not owned, controlled, or managed by the Central Government or any State Government, and includes foreign entities and their subsidiaries or representatives operating in India;

(zg) "Risk Scoring" means the use of an AI System to assign a numerical or categorical score to an individual that purports to estimate the probability of that person engaging in a specified future behaviour, including the commission of an offence, recidivism, or failure to appear before a Court;

(zh) "sensitive judicial data" includes any personal identifiable information of parties, witnesses, or legal representatives and any information processed in connection with a Court process, the unauthorised disclosure of which may cause harm;

(zi) "synthetic data or synthetic information" includes any audio, visual, audio-visual, or text-based data generated, modified, or produced by an AI System or AI Tool, including large language models, machine learning, or natural language processing systems, that mimics statistical properties of real data without being directly collected from real-world events or persons, but do not include data produced by established mathematical or scientific modelling that is not AI-assisted; and

(2) Words and expressions used herein and not defined but defined in the Digital Personal Data Protection Act, 2023 (22 of 2023) or the Information Technology Act, 2000 (21 of 2000) shall have the same meanings as respectively assigned to them in the said Acts.

CHAPTER II

GENERAL PRINCIPLES TO GOVERN ADOPTION, DEPLOYMENT AND USE OF AI SYSTEMS IN COURTS

4. Human primacy and judicial independence. —

(1) The use of Artificial Intelligence in Court processes shall at all times remain strictly subservient to meaningful human control and judicial authority.

(2) Every AI System shall function solely in an assistive capacity and shall not exercise, replace or substantially influence the independent exercise of judicial authority by a duly appointed judicial officer.

(3) Every judicial officer shall independently assess the applicable law, facts and evidence and shall remain free to disregard, modify or reject any AI-generated output, which shall neither be treated as authoritative nor give rise to any adverse inference.

(4) The ultimate authority to determine matters of law, fact and justice shall vest exclusively in the judicial officers of the competent jurisdiction.

5. Compliance with the Constitutional Principles. —

(1) The AI Systems should procured, deployed and used in the Courts in a manner consistent with the provisions of the Constitution and any other law for the time being in force including the principles of judicial independence, natural justice and shall not be used in any manner that could undermine due process, the right to a fair trial, equality before law, or access to justice.

(2) The Bangalore Principles of Judicial Conduct (adopted in 2002) shall, in addition to these regulations, continue to govern the conduct of judicial officers in all matters, including those involving the use of AI.

6. Fairness and non-discrimination. —

(1) The AI Systems used in Court processes shall be designed, trained and deployed in a manner that promotes fairness and avoids discrimination and shall be periodically monitored to minimize algorithmic bias.

(2) No AI System shall be deployed that perpetuates, amplifies, or introduces bias on the grounds of race, religion, caste, sex, gender, disability, language, economic status, or any other ground prohibited under the Constitution or any law for the time being in force and special care shall be taken to protect the rights and interests of vulnerable groups including women, children, persons with disabilities, marginalized and minority communities, and persons from economically and socially disadvantaged backgrounds.

(3) Where any AI System is found to produce materially biased, inaccurate or discriminatory outputs, its deployment shall be suspended until appropriate corrective measures have been implemented.

7. Transparency and explainability. —

(1) Every AI System used in Court processes shall meet the standards of transparency and explainability proportionate to the nature and risk of the function performed, sufficient to enable meaningful judicial oversight and independent verification of its outputs.

(2) The functioning, data inputs and decision logic of any AI System used in a Court

process shall be capable of being understood and, where appropriate, be explained to judicial officers, the parties concerned and the public.

(3)The deployment of AI Systems that are opaque or incapable of explanation shall be subject to heightened scrutiny and shall be restricted in high-risk applications affecting personal liberty or any lawful right of a person.

(4)The deployment of AI Systems that are opaque or incapable of explanation shall be subject to heightened scrutiny and shall be restricted in high-risk applications affecting personal liberty or any lawful right of a person.

7A. Right to explanation. — (1) Where an AI System materially assists, influences, or contributes to any Court process affecting the rights, lawful interests, or personal liberty of a party, such party shall have the right to request and obtain a clear, accessible, and comprehensible explanation of—

(a) the role played by the AI System;

(b) the nature of the inputs on which such system acted;

(c) the nature of the output generated; and

(d) the manner in which such output was used in the relevant Court process.

(2) The explanation furnished under sub-regulation (1) shall, as far as practicable, be expressed in plain language and shall not require speciaElised technical knowledge for its understanding.

(3) Nothing in this regulation shall require disclosure of such information as would compromise judicial confidentiality, cyber security, or any legally protected interest, provided that non-disclosure shall be narrowly tailored and reasons shall be recorded in writing.

8. Accountability.—

(1) Accountability for every judicial, administrative or quasi-judicial function performed with the assistance of AI shall rest exclusively upon such judicial officer, Court or authority responsible for the discharge of such function and it shall not be permissible to invoke the outputs of an AI System, the opaqueness of a Black Box system, or the occurrence of hallucination, as a ground for avoiding accountability for a palpably incorrect, illegal, or

harmful decision.

(2) The Appropriate Authority shall ensure that clear and documented lines of accountability are established and maintained for the operation of every AI System or AI Tool in a Court.

(3) Where any AI-generated output or information is used in any Court, it shall be treated as decision-support information and shall be independently verified to the extent appropriate having regard to the nature, purpose and risk of the function for which it is used:

Provided that AI Systems deployed exclusively for routine administrative or non-adjudicatory functions and certified by the AI Secretariat as meeting prescribed standards of reliability may be exempted from case-specific verification, subject to such conditions as may be specified.

(4) The deployment of AI Systems that are opaque or incapable of explanation shall be subject to heightened scrutiny and shall be restricted in high-risk applications affecting personal liberty or any lawful right of a person.

9. Auditability and continuous oversight. — (1) Every AI System in use in Court processes shall be subject to continuous monitoring and periodic technical, legal and ethical audits throughout their lifecycle to assess its performance, reliability, security, explainability and compliance with these Regulations; and adequate mechanisms shall be established to detect, document and address errors, malfunctions and biases.

(2) Audit findings shall be recorded and disclosed in accordance with these regulations, and shall decide upon the continued deployment of AI Systems in Courts. Where the deployment of an AI System involves high-risk judicial functions, the Appropriate Authority may require independent third-party audits.

(3) Where credible concerns arise regarding bias, discrimination, systemic error, or disproportionate adverse impact upon vulnerable or marginalised groups, the Appropriate Authority may direct an independent external audit by qualified experts, subject to such confidentiality, data protection, and cyber security safeguards as may be prescribed.

(4) Any audit directed under sub-regulation (3) shall, to the extent practicable, be conducted in a manner that preserves the confidentiality of judicial data, protects source code and system architecture from unnecessary disclosure, and ensures that no external auditor is granted unrestricted access beyond what is strictly necessary for the purpose of the audit.

10. Data protection and privacy. — (1) The processing of personal data through AI Systems shall be governed by the principles of purpose limitation, data minimization and data privacy by

design in accordance with the provisions of the Digital Personal Data Protection Act, 2023 (22 of 2023) or any other law for the time

being in force, and shall ensure appropriate protection of judicial records, confidential proceedings, privileged communications and other sensitive judicial data.

(2) Judicial data shall not be processed using AI Systems hosted outside such infrastructure or jurisdictions as may be approved by the Appropriate Authority, unless adequate legal and technical safeguards are ensured.

(3) The Appropriate Authority shall ensure that AI Systems incorporate appropriate technical and organisational safeguards to prevent unauthorised access, disclosure, alteration or misuse of judicial data throughout its lifecycle.

11. Purpose limitation. — AI Systems shall be deployed and used solely for specific purposes for which they have been approved by the Appropriate Authority and any use of an AI System beyond the scope of its approved purpose, functionality or scope of deployment shall require a separate and specific approval of the Appropriate Authority, which shall record reasons therefor.

12. Proportionality. — (1) The use of AI in any Court process shall be proportionate to the nature, purpose and risk of the function for which they are used, having due regard to their likely impact on judicial decision-making, personal liberty and fundamental rights.

(2) Applications involving higher levels of risk to personal liberty or any lawful right of a person, or the integrity of judicial outcomes shall be subject to such enhanced safeguards, including meaningful human control, independent oversight, verification and audit, as may be specified by the Appropriate Authority.

13. Inclusivity and accessibility. — (1) AI Systems deployed in Courts shall be designed and operated to promote inclusivity and expand equitable access to justice.

(2) Specific attention shall be given to ensuring that the deployment of AI does not create or widen digital divides and that the benefits of AI-assisted judicial services are extended fairly to all stakeholders including those from rural, economically disadvantaged, persons with disabilities or, linguistically diverse communities.

14. Data integrity. — (1) AI Systems used in Court processes shall be trained and operated on the basis of data that is accurate, representative, lawfully obtained and to the extent feasible and, free from discriminatory bias.

(2) The deployment of AI Systems, trained on unlawful datasets which are manifestly unreliable or likely to produce discriminatory or misleading outputs, shall be prohibited.

15. Cyber security. — (1) The confidentiality, integrity and availability of Court data, processed

through or stored in AI Systems, shall be protected by robust, layered and continuously updated technical and organisational security measures, commensurate with the sensitivity of the data and the nature of the Court process.

(2) The Appropriate Authority shall establish appropriate mechanisms for the prevention, detection, reporting and response to cybersecurity incidents affecting AI Systems used in Courts.

16. Responsible adoption of AI. — Every Court shall actively seek opportunities to deploy AI Systems or AI Tools that demonstrably improve access to justice, reduce delays, or enhance administrative efficiency:

Provided that no AI System shall substitute or materially influence the independent exercise of judicial discretion, be used for automated adjudication or dispute-outcome prediction, or otherwise be deployed in a manner inconsistent with these Regulations.

17. Responsible Innovation over Restraint— (1) The adoption of Artificial Intelligence in Court processes shall be pursued, in a responsible manner, as a catalyst for impactful innovation in the justice delivery system; and the exploration, development and integration of AI Systems and AI Tools that demonstrably further the goals of judicial efficiency and easy access to justice shall be actively encouraged.

(2) All innovation under sub-regulation (1) shall be carried out with due regard to the other general principles set out in this Chapter, so as to maximise the overall benefit of AI adoption while eliminating or minimising potential harm; and, all other things being equal, an approach that prefers active and responsible adoption over restraint shall be encouraged.

(3) AI Systems shall, before large-scale deployment, be subject to such evaluation, pilot implementation or testing as may be considered necessary to assess their safety, reliability and suitability for judicial use.

CHAPTER III PERMISSIBLE AND PROHIBITED USES

18. Identification and Approval of AI use cases. — The Appropriate Authority shall identify, determine, and periodically review the areas of Court processes in which AI Systems may be utilised, in accordance with the provisions of these regulations.

19. Permissible uses of AI. — (1) Subject to the prior approval in writing by the Appropriate Authority and to the supervision and verification of officers nominated for that purpose, AI Systems may be used for the following purposes, which are illustrative and not exhaustive: —

(a) case management (including identification of defects in new filings), cause list preparation,

hearing scheduling and docket prioritization, document indexing, procedural compliance tracking, search and retrieval of judicial records;

(b) **automated transcription of court proceedings, subject to mandatory review and certification of accuracy by a Designated Officer;**

(c) **translation of judgments, orders, pleadings, and other legal documents, subject to human verification of accuracy and fidelity to the original;**

(d) **legal research, precedent retrieval, citation verification, document summarisation, and archive search assistance;**

(e) **administrative functions including case filing assistance, defect scrutiny, record management, metadata extraction, document classification, and judicial resource allocation;**

(f) **conversational AI assistants and guided chatbots to assist litigants and other stakeholders in accessing Court services and understanding procedural requirements, subject to human oversight of their functioning;**

(g) **accessibility services including text-to-speech, speech-to-text, Braille translation, visual assistance tools, and language support services for persons with disabilities or language barriers;**

(h) **document authenticity verification and fraud detection in administrative processes, subject to mandatory human review of all outputs before any action is taken;**

(i) **anonymisation and redaction of judgments, orders, and Court records for publication in the public domain;**

(j) **analytical tools for judicial administration, court performance assessment, backlog monitoring, and workflow management;**

(k) **auto-generation of prescribed formats, notices, summons, and administrative documents through approved metadata-based systems; and**

(l) **approved training, simulation, and capacity-building uses for judicial officers and court staff, provided that no such use affects any live adjudicatory proceeding.**

(2) Any use of AI not enumerated under sub-regulation (1), or not otherwise specifically approved, shall require the prior written approval of the Appropriate Authority, which shall record reasons for the grant or refusal of such approval.

20. Prohibited uses of AI. — (1) The following uses of AI are strictly prohibited in all Court processes. These prohibitions are absolute and non-derogable-

(a) the use of personal data of any person to train, test, or refine any AI System without prior approval of the Appropriate Authority and compliance with applicable data protection law;

(b) the reaching of any judicial outcome, including any judgment, order, finding of fact, finding of law, sentence, or determinative recommendation, solely or substantially through Algorithmic Decision-Making or solely on the basis of AI-generated information, data, or analysis, and the human judicial authority shall at all times remain the determinative authority in all adjudicatory decisions;

(c) the use of any AI System for Risk Scoring in Court processes, including assessment of flight risk, recidivism, bail eligibility, witness credibility, or any analogous purpose;

(d) the use of any undisclosed, opaque, or unexplainable AI System in any Court process that may materially affect the lawful rights or personal liberty of any person;

(e) the use of any AI System to predict, profile, infer, rank, or assess the future conduct or behaviour of parties, accused persons, witnesses, legal representatives, or judicial officers in any Court process;

(f) the use of any AI System for emotion recognition, truthfulness inference, demeanour analysis, or behavioural assessment of parties, witnesses, accused persons, or any participant in a Court process;

(g) the use of any AI System for surveillance or continuous monitoring of judicial officers, advocates, litigants, or any other person within or in connection with Court premises or Court processes, except as specifically authorised by applicable law;

(h) the use of any AI System in any manner that compromises the confidentiality of judicial deliberations, judicial independence, or the impartial allocation and conduct of cases;

(i) the use of any AI-generated output as an independent source of evidence without full and transparent disclosure of its AI-generated character, source, and method of verification;

(j) the submission, citation, or reliance upon any AI-generated legal authority, precedent, statutory interpretation, proposition of law, or legal citation by any judicial officer, court officer, party, or legal representative, unless its authenticity and correctness have been independently verified from primary or otherwise authoritative legal sources;

(k) the use of any unauthorised, unapproved, unaudited, or non-compliant AI Tool in any Court process;

(l) the fabrication, synthetic alteration, falsification, or manipulation of any judicial record, pleading, evidence, metadata, order, or court-generated content by means of AI; and

(m) the use of AI for dispute-outcome prediction in any live adjudicatory matter.

(2) Any fabricated, false, misleading, or unverifiable legal authority, precedent, or citation generated through AI and used in any Court process shall be treated as an AI Incident and shall be reported and recorded accordingly

(3) The prohibitions referred to in sub- regulation (1) shall be absolute and shall not be subject to relaxation or modification by any authority under these Regulations.

21. Remedial measures by AI Committee. — Every violation of any prohibition specified in regulation 20 shall be reported without undue delay to the AI Secretariat, which shall be placed before the AI Committee for such consideration as it may deem appropriate.

(2) The AI Committee may, after due inquiry, direct such remedial or preventive measures as may be necessary, including requiring corrective action, additional safeguards, independent audit, restriction, suspension or discontinuance of the deployment of the AI System, or any other measure necessary to ensure compliance with these Regulations.

CHAPTER IV

POLICY MAKING AND INSTITUTIONAL MECHANISM

22. Apex Body. — (1) There shall be constituted a permanent Apex Body at the Supreme Court of India to provide policy direction, standard-setting, institutional oversight and strategic guidance for the responsible adoption, governance and regulation of Artificial Intelligence in the Indian judiciary.

(2) The Apex Body shall consist of the following Members, namely: —

(a) two Judges of the Supreme Court of India, nominated by the Chief Justice of India, one of whom shall serve as the Chairperson of the Apex Body, *ex officio*;

(b) two Chief Justices of High Courts, nominated by the Chief Justice of India in consultation with senior *puisne* Judges, *ex officio*;

(c) two Judges of High Courts, nominated by the Chief Justice of India, *ex officio*;

(d) one Member from an Institution of national importance or any institution of repute, as may be nominated by the Chief Justice of India;

(e) an officer not below the rank of Joint Secretary to the Government of India in the Ministry of Electronics and Information Technology (MeitY), Government of India, *ex officio*;

(f) an expert in Finance, to be nominated by the Chief Justice of India;

(g) an expert in Cybersecurity, to be nominated by the Chief Justice of India;

(h) one or more advocates of standing having demonstrable expertise in technology law, constitutional law, data protection or digital governance, nominated by the Chief Justice of India; and

(i) the Professor heading the field of Artificial Intelligence at the National Judicial Academy (NJA), Bhopal, *ex officio*:

Provided that the Apex Body may co-opt such additional technical, legal or domain experts, representatives of judicial institutions or public authorities as it deems necessary, on a case-to-case or standing basis, with the permission of the Chief Justice of India.

(3) The terms of appointment, tenure, allowances, conditions of service and removal of Members of the Apex Body, other than *ex officio* Members, shall be such as may be determined by the Chief Justice of India.

(4) The Apex Body shall devise its own procedure to be followed for its functioning and for conduct of its meetings.

23. Functions of Apex Body. — The functions of the Apex Body shall be–

(a) to ensure that no AI system, whether autonomous AI agent or static predictive model or any AI Tool, is in violation of any of the provisions of the Constitution or any law for the time being in force and are in compliance with the operational safeguards;

(b) to formulate, review and periodically update national policies, standards, model protocols and governance frameworks for the responsible deployment and use of Artificial Intelligence in Courts;

(c) to prescribe technical, legal and ethical standards for the procurement, evaluation, approval, audit and lifecycle governance of AI Systems deployed in the judiciary;

(d) issue guidelines, advisories, model documentation requirements and best practices for ensuring compliance with these Regulations;

(e) to promote interoperability, standardisation and coordination among the Supreme Court, High Courts and subordinate Courts in matters relating to Artificial Intelligence;

(f) to liaise with the e-Committee of the Supreme Court of India, the Ministry of Electronics and Information Technology, the National Informatics Centre, CERT-In (Indian Computer Emergency Response Team), the Data Protection Board of India, or any other statutory or regulatory body on matters concerning AI in Courts;

(g) to publish such reports, guidance documents and recommendations, including an Annual Governance Report on the state of AI in the Indian judiciary, as it may consider appropriate;

(h) to maintain or cause to be maintained a National Register of AI Systems approved for deployment in Courts, containing such particulars as may be specified; and

(i) to discharge such other functions as the Chief Justice of India may, from time to time, assign.

24. Powers of Apex Body. — (1) The powers of the Apex Body shall include the following, namely: —

(a) to set and periodically revise, the minimum mandatory standards and guidelines for the use of AI in Courts across India for compliance by all Courts;

(b) to issue guidelines and clarifications for the implementation of these Regulations;

(c) to oversee the Centre of Research and Excellence on Artificial Intelligence (CoRE-AI) established under regulation 32, and to receive and act upon its reports and recommendations; and

(d) to constitute Standing Committees to assist it in the discharge of its functions.

25. Committees of Apex Body. — (1) The Apex Body shall constitute the following Committees to assist it in the discharge of its functions, namely: —

(a) Judicial Committee;

(b) Technical Committee;

(c) Committee on Infrastructure and Finance;

(d) Case and Data Management Committee; and

(e) Cyber Security Committee.

(2) The composition, tenure, procedure and functions of each Standing Committee shall be determined by the Apex Body.

(3)The Apex Body may constitute such additional committees, working groups or expert panels as it considers necessary.

Regulation 22 to 25 may be substituted with the following:

22. Supreme Court AI Committee.

(1) The existing AI Committee constituted by or under the authority of the Supreme Court of India shall function as the central coordinating, standard-setting, and oversight body for Artificial Intelligence governance under these regulations.

(2) The Supreme Court AI Committee shall function under the authority of the Chief Justice of India and shall consist of such Judges of the Supreme Court of India and such other members or advisers as may be nominated in accordance with directions issued by the Chief Justice of India.

(3) The Supreme Court AI Committee may co-opt technical experts, domain specialists, academicians, judicial officers, advocates, and representatives of relevant public institutions for advisory purposes, subject to such conditions as may be specified.

23. Functions of Supreme Court AI Committee.

The functions of the Supreme Court AI Committee shall include—

(a) laying down minimum mandatory standards, protocols, and model practices for the use of AI in Courts;

(b) coordinating with High Court AI Committees to ensure a harmonised national approach to AI governance in Courts;

(c) issuing clarifications, guidance notes, and model directions for implementation of these regulations;
(d) receiving, reviewing, and synthesising annual reports, audit learnings, and incident-based feedback from High Court AI Committees;

(e) promoting research, training, comparative learning, and continuous review of developments concerning AI in judicial systems; and

(f) discharging such other functions as the Chief Justice of India may assign

24. Powers of Supreme Court AI Committee. —

The Supreme Court AI Committee shall have power—

(a) to prescribe minimum mandatory standards for approval, deployment, audit, disclosure, and review of AI Systems in Court processes;

(b) to issue practice directions, guidance documents, model forms, and standard operating procedures consistent with these regulations;

(c) to call for information, reports, recommendations, and compliance data from High Court AI Committees;

(d) to recommend amendments or periodic review of these regulations; and
(e) to constitute such advisory groups, research bodies, or specialist sub-committees as may be necessary for the discharge of its functions.

25. Advisory and specialist sub-committees. —

The Supreme Court AI Committee may constitute such advisory or specialist sub-committees on technical standards, cyber security, data governance, judicial administration, training, procurement, accessibility, or other matters as it may consider necessary, and may define their composition, tenure, and procedure by order.

26. Judicial Committee. — (1) The Judicial Committee shall be constituted by the Apex Body and shall comprise of judicial officers, registry personnel, and such other persons as the Apex Body may determine.

(2) The Judicial Committee shall innovate, develop and deploy AI tools to assist in adjudication, so as to meet specific operational requirements of Courts, recommend training programs, judicial education initiatives and capacity-building measures relating to the responsible use of Artificial Intelligence in Courts, and address any other specific needs or concerns relating to the adoption and use of AI in Courts.

(3) The Judicial Committee shall constitute a Sub-Committee of Rules to assist it for the purpose of framing, revising and recommending procedural rules relating to use of AI in Courts.

27. Technical Committee. — (1) The Technical Committee shall consist of such number of AI researchers, computer scientists, data scientists, cybersecurity personnels and domain experts, as may be determined by the Apex Body.

(2) The Technical Committee shall advise the Apex Body on technical standards, emerging technologies, risk assessment, evaluation, testing, interoperability and other technical matters relating to AI Systems.

28. Committee on Infrastructure and Finance. — (1) The Committee on Infrastructure and Finance shall consist of such number of experts in the fields of information technology, Artificial Intelligence, cloud computing, data centre, procurement, expenditure and finance, as may be determined by the Apex Body.

(2) The Committee on Infrastructure and Finance shall oversee the establishment of infrastructure related to Artificial Intelligence, financial aspects of AI adoption in Courts including budget allocations, cost-benefit evaluations and the audit of expenditure under these regulations.

(3) The Committee on Infrastructure and Finance shall coordinate with the Central Government and High Courts to assess the budgetary requirements for AI-related budget and place them before the Apex Body.

29. Case and Data Management Committee. — (1) The Case and Data Management Committee (CDMC) shall consist of such number of Judicial Officers, Registry officers with experience of having worked in case management, legal research, listing, judicial administration and pendency reduction, along with experts in the field of AI and data management, as may be

determined by the Apex Body.

(2) The CDMC shall innovate, develop and deploy AI for assistance in adjudication and legal research connected to the National Court Management System (NCMS) of the Supreme Court of India and to the State Court Management Systems (SCMS) of the High Courts, so as to ensure backward integration with existing systems.

(3) The Committee shall advise the Apex Body on case management, judicial data governance, interoperability, data quality, digitisation, integration with judicial information systems and AI-enabled administrative processes.

30. Cyber Security Committee. — (1) The Cyber Security Committee (CSC) shall consist of such number of experts in the fields of information technology, cyber security, data protection including officers of CERT-In, Ministry of Electronics and Information Technology and NIC, as may be determined by the Apex Body.

(2) The CSC shall monitor, evaluate, and make recommendations on aspects of cybersecurity standards, cyber risk management, incident response, security audits, vulnerability assessment, resilience and compliance with applicable cybersecurity and data protection standards.

31. Procedure to be followed by Committees of Apex Body. — (1) Each Committee of the Apex Body specified in regulation 25 shall frame its own procedure for its meeting and decision-making, subject to such directions as the Apex Body may issue.

(2) The recommendations of each Committee shall be placed before the Apex Body for consideration and final decision.

(3) The Apex Body may constitute joint meetings or joint working groups of two or more Committees where any matter involves overlapping technical, legal, administrative or policy considerations.

32. Centre of Research and Excellence on Artificial Intelligence.— (1) There shall be a Centre of Research and Excellence on Artificial Intelligence (CoRE-AI), as an integrated body, comprising of such number of experts in the fields of technology, law, and academia, as may be determined by the Apex Body, to provide research and legal compliance-related support to the Apex Body.

(2) The experts referred to in sub-regulation (1) shall include Judges, lawyers, technical experts, academicians in the fields of AI and law, Senior and Distinguished Fellows from Think-tanks, post-doctoral researchers and representatives of the National Judicial Academy.

(3) The functions of the CoRE-AI shall include—

(a) conducting original research on the application of AI in judicial and legal contexts;

(b) evaluating AI tools and prototypes for use in court systems in the light of such research;

(c) maintaining a repository of AI tools, evaluations and technical regulations available to Courts and public institutions;

(d) providing technical, legal and policy advice and analytical support to the Apex Body and its Committees;

(e) developing model datasets, testing protocols and evaluation frameworks for AI Systems intended for judicial use;

(f) continuous monitoring and analysis of national and international jurisprudential developments concerning AI and emerging technologies;

(g) undertaking comparative, empirical and interdisciplinary studies on AI and the administration of justice; and

(h) organising training programs, consultations, conferences, seminars, colloquiums, symposiums, etc., in relation to the integration of AI in the judicial process.

33. AI Committees. — (1) The Supreme Court of India and every High Court shall constitute an AI Committee to oversee, regulate and facilitate the responsible adoption and governance of AI within its jurisdiction, in accordance with the minimum mandatory standards laid down by the Apex Body.

(2) The AI Committee referred to in sub-regulation (1) shall consist of—

(a) a Judge of the Supreme Court or the respective High Court of not less than five years of standing as a Judge, as the case may be, designated by the Chief Justice, who shall serve as Chairperson of the AI Committee;

(b) not less than two other Judges of the Supreme Court or such High Court as its Chief Justice may nominate; and

(c) a Senior Member of the AI Secretariat and such other members of the AI Secretariat as the AI Committee may invite.

(3) The AI Committee shall approve AI Systems for deployment, oversee compliance with these

Regulations, supervise the AI Secretariat, review AI incidents and audit reports, direct corrective and remedial measures, issue jurisdiction-specific directions consistent with the standards prescribed by the Apex Body, coordinate with the Apex Body and other AI Committees, review and recommend modifications to these Regulations, review the performance, effectiveness and continued suitability of AI Systems deployed within its jurisdiction, and perform such other functions as may be necessary for the effective governance of AI within its jurisdiction.

(4) The AI Committee shall meet at least once every three months or at such shorter intervals as may be necessary.

(5) The AI Committee may consult judicial institutions, academic institutions, research organisations, technical experts, civil society organisations and such other stakeholders as it considers appropriate for the discharge of its functions.

Regulation 33, may be substituted with the following:

33. AI Committees of High Courts. —

(1) Every High Court shall constitute an AI Committee to oversee, regulate, and facilitate the responsible adoption and governance of AI within its jurisdiction, in accordance with these regulations and the minimum mandatory standards laid down by the Supreme Court AI Committee.

(2) The AI Committee of a High Court shall consist of—

(a) a Judge of the High Court designated by the Chief Justice, who shall serve as Chairperson;
(b) such other Judges of the High Court as the Chief Justice may nominate; and
(c) such members of the AI Secretariat or technical advisers as may be invited for assistance.

(3) The High Court AI Committee shall have power—

(a) to approve AI Systems for use in Court processes within its jurisdiction, following Technical and Ethical Impact Assessment;
(b) to monitor compliance with these regulations and the minimum mandatory standards laid down by the Supreme Court AI Committee;
(c) to issue supplementary directions tailored to local needs, provided they are not inconsistent with these regulations or national minimum standards;
(d) to direct audits, review AI Incidents, and order remedial measures including suspension, limitation, or withdrawal of any AI Tool;
(e) to supervise the functioning of the AI Secretariat; and
(f) to prepare and submit annual reports in the manner prescribed.

(4) The AI Committee shall meet at intervals not exceeding three months, or at such shorter intervals as circumstances may require.

34. AI Secretariat. — (1) Every AI Committee shall be supported by a dedicated AI Secretariat, headed by an officer not below the rank of a District Judge, as may be designated by the Chief Justice of the respective High Court.

(2) The AI Secretariat shall consist of such a number of officers and experts in judicial administration, technology, data science and law, as may be determined by the AI Committee.

(3) The terms of service, manner of appointment, and tenure of officers and experts of the AI Secretariat shall be determined by the respective High Court in consultation with the Apex Body.

(4) The AI Secretariat shall have the power to grant expedited approval for an AI Tool that—

(a) is used exclusively for administrative purposes not involving personal data of parties;

(b) does not affect adjudicatory functions; and

(c) is functionally similar to a tool already approved by the Appropriate Authority.

(5) The AI Secretariat shall maintain a register of all tools cleared under this pathway.

CHAPTER V

OVERSIGHT, AUDITS AND INCIDENT MANAGEMENT

35. Oversight and accountability. — (1) The Appropriate Authority shall, before approving any AI System for use in Court processes, require the submission of a comprehensive Technical and Ethical Impact Assessment.

(2) The Appropriate Authority shall prescribe a standard format for the Technical and Ethical Impact Assessment within six months from the date of commencement of these regulations.

(3) The Technical and Ethical Impact Assessment shall evaluate at a minimum, the–

(a) purpose, architecture and functioning of the AI System;

(b) nature, source, quality and representativeness of its training data;

(c) risks of bias, error, hallucination and misuse in the relevant judicial context;

(d) cyber security vulnerabilities and the data protection measures in place;

(e) mechanisms for explainability and compliance with Human-in-the-Loop requirements; and

(f) procedures for redressal of any harm and for incident reporting.

36. Controlled Environment Testing. — (1) The Appropriate Authority may, in suitable cases and prior to the full-scale deployment of any AI System or AI Tool in Court processes, direct that the AI System or AI Tool be evaluated through Controlled Environment Testing established under the supervision of the AI Secretariat.

(2) The Controlled Environment Testing shall be undertaken on a time-limited and clearly defined basis with documented parameters of evaluation, including accuracy, reliability, fairness, explainability, cyber security and compatibility with existing Court processes, and the outcomes of such testing shall be placed before the Appropriate Authority for consideration prior to any decision on deployment, mainstreaming or scaling of the AI System or AI Tool.

(3) The Technical and Ethical Impact Assessment shall evaluate at a minimum, the–

- purpose, architecture and functioning of the AI System;
- nature, source, quality and representativeness of its training data;
- risks of bias, error, hallucination and misuse in the relevant judicial context;
- cybersecurityvulnerabilitiesandthedataprotectionmeasuresinplace;
- mechanisms for explainability and compliance with Human-in-the-Loop requirements; and
- procedures for redressal of any harm and for incident reporting.
- the likely impact of the AI System upon vulnerable or marginalised groups, including women, children, persons with disabilities, linguistic minorities, and persons from socially or economically disadvantaged backgrounds; and
- the need, where appropriate, for consultation with relevant civil society organisations, legal services institutions, or domain experts representing such affected groups.

37. AI Register. — Each Court shall maintain an AI Register, in such form and with such particulars as the Appropriate Authority may prescribe, documenting—

a. all AI Systems approved for use in Court processes;

b. the purposes and scope of approved use for each system;

c. the identity of the AI Service Provider and, where applicable, the vendor;

d. the date of approval and any conditions attached thereto;

e. the records of Technical and Ethical Impact Assessments conducted;

f. the records of audits conducted and their outcomes; and

g. the AI Incidents recorded in connection with each system.

(2) The dissemination of AI Register on the official website of the Court for public access shall be subject to data protection, confidentiality and cyber security.

38. Audits. — (1) All Court AI Systems and AI Tools shall undergo periodic technical, legal and ethical audits at intervals not exceeding one year from the date of approval or the date of the preceding audit, or at such shorter intervals as the Appropriate Authority may direct.

(2) Audits shall ordinarily be conducted in-house or under the direct supervision and control of the Appropriate Authority:

Provided that where an independent external audit is directed under Regulation 9(3), such audit may be undertaken by qualified external experts subject to strict confidentiality, access control, data protection, and cyber security safeguards, and only to the extent strictly necessary for the audit.

(3) The audit reports shall be submitted to the Appropriate Authority and shall be recorded in the AI Register.

39. AI Incident Database. — (1) Every AI Secretariat shall maintain an AI Incident Database for the systematic recording of all AI Incidents, including their type, cause, manner of occurrence, consequences and the remedial measures taken.

(2) Where an AI Incident is reported in any High Court, the AI Secretariat of that High Court

shall communicate the relevant findings and learnings to the AI Secretariats of other High Courts and to the Apex Body as soon as reasonably practicable, so that corrective measures may be adopted across jurisdictions.

(3) Any malfunction, error, or bias in a Court AI Tool with potential legal consequences shall be reported immediately to the AI Secretariat by the officer responsible for supervising such AI Tool.

(4) The AI Secretariat shall, on receipt of a report referred to in sub-regulation (3), initiate remedial measures without delay and report the matter to the AI Committee.

40. Discretion in supervising AI Systems. — The nominated officer responsible for supervising any AI System shall retain full discretion to accept, modify, or reject any AI-generated recommendation or output within the matters falling under his charge, and shall exercise discretion with independent professional judgment.

41. Review of AI Systems already in use. — AI Systems already in use in Courts at the time of commencement of these Regulations shall be reviewed by the AI Secretariat for compliance within a period of one year from the date of such commencement and the Appropriate Authority shall determine the appropriate course of action in respect of any system found to be non-compliant.

42. Emergency and fall-back protocol. — (1) Every High Court shall, in consultation with the AI Secretariat, establish and maintain an emergency and fall-back protocol specifying the procedures to be followed in the event of a failure, malfunction, or unavailability of any AI System or AI Tool in Court.

(2) The emergency and fall-back protocol shall ensure the continuity of essential Court processes through manual or alternative means and shall be tested at periodic intervals as determined by the AI Secretariat.

(3) Where a Court AI Tool fails or is suspended under these regulations, the AI Secretariat shall activate the applicable fall-back protocol and notify the AI Committee within twenty-four hours.

43. Transparency and disclosure. — (1) The Courts shall, where an AI Tool materially assists in any aspect of case management, document analysis, or judicial administration that may affect the conduct of their proceedings, ensure that the parties are informed in a timely and accessible manner.

(2) The obligation under sub-regulation (1) shall apply in all permitted uses of AI specified in regulation 19.

(3) Where an AI Tool is used by any party or his legal representative in the preparation or submission of any document, pleading, or evidence, the AI-assisted character of such material shall be disclosed to the Court at the time of submission by way of a duly executed declaration or certificate in the format prescribed under Annexure I and any Court-initiated AI use in any Court process shall be declared in accordance with the format provided in Annexure II.

(4) The Court shall have the authority to require disclosure of the AI System used, the nature and extent of AI assistance provided, and the steps taken to verify the accuracy of any AI-generated content, in respect of any AI-assisted submission placed before it.

(4A) Where AI materially assists in any process affecting the rights, lawful interests, or personal liberty of any party, the Court shall ensure, subject to these regulations, that such party is informed of the availability of the right to explanation under Regulation 7A.

(5) Any person using Synthetic Data or Synthetic Information in any judicial proceeding shall be required to disclose such use to the Court, in such form and manner as the Appropriate Authority may prescribe.

(6) In the event that any document, pleading, or evidence submitted to a Court is found to be fabricated, false, misleading, or inaccurate by reason of its AI-generated character, the person submitting the same shall bear full responsibility therefor and shall not be entitled to rely upon the character of the AI output as a defence. The Court may, after giving a reasonable opportunity of being heard, pass such orders as it deems fit against the responsible person.

44. AI Content Verification Authority. — The Appropriate Authority shall constitute a dedicated institutional authority, to be designated as the AI Content Verification Authority, charged with the oversight, operation, and continuous updation of verification standards, tools and protocols applicable to GenAI-generated content in Court Process.

45. Annual Transparency Report. — (1) Every High Court shall submit an Annual Transparency Report on AI adoption within its jurisdiction, summarizing—
(a) the AI Systems in use;

(b) the purposes for which such systems are used;

(c) the outcomes of audits conducted;

(d) the AI Incidents recorded and the remedial measures taken;

(e) major training and capacity-building measures undertaken; and

(f) steps taken to ensure compliance with these regulations and the minimum mandatory standards.

(2) A consolidated national report may be prepared by the Supreme Court AI Committee on the basis of the reports received under sub-regulation (1).

CHAPTER VI

PROCUREMENT AND PRIVATE SECTOR ENGAGEMENT

46. Engagement of Private Entities. — (1) No private entity, vendor, or third-party service provider shall undertake, participate in, or provide any service in connection with an AI System deployed in Court processes without the prior written approval of the Appropriate Authority.

(2) All proposals for engagement of private entities in connection with AI Systems shall, prior to approval by the Appropriate Authority be subject to a comprehensive evaluation covering technical capability, legal compliance, ethical standards, data security practices and financial standing.

(3) The procurement of AI Systems and related services shall, subject to ensuring transparency, competition, value for public resources and compliance with applicable procurement law and financial regulations, be governed by such procedures as the Chief Justice may determine.w

(4) All agreements entered into with private entities for AI-related services shall include mandatory provisions governing—

(a) ownership of, and access rights to, Court data and AI outputs;

(b) prohibition on the use of Sensitive Judicial Data or Court data for any purpose beyond the scope of the engagement;

(c) full compliance with these Regulations and all applicable laws;

(d) obligations of disclosure, incident reporting, and cooperation with audits;

(e) the right of the AI Secretariat to audit and inspect the relevant AI System and its underlying data;

(f) consequences of breach, including suspension or termination of the engagement and liability for harm;

(g) source and model transparency, including complete technical

documentation of the architecture and training data of the AI System;

(h) explainability documentation for all High-Risk AI Tools;

(i) mandatory indemnity clauses protecting the Court from liability for harms caused by defects in vendor-supplied AI Systems;

(j) on-premise or sovereign cloud deployment requirements for AI Systems processing Sensitive Judicial Data;

(k) explicit prohibition on the retraining, fine-tuning, or modification of AI models using Court data without the express written approval of the AI Committee;

(l) Clear contractual allocation of liability between the Court and the vendor in the event of AI-related incidents, data breaches, or harm to litigants or third parties.

(5) All AI Systems supplied, operated, or maintained by private entities shall be subject to continuous monitoring and periodic audits by the AI Secretariat throughout the duration of the engagement, as provided in regulation 38.

(6) Any data breach, security incident or AI Incident, involving an AI System provided or maintained by a private entity, shall be reported by such entity to the Appropriate Authority without delay and non-compliance of such reporting, or with any other material condition of engagement, may result in the suspension or termination of the engagement and such further consequences as the Appropriate Authority may direct.

(7) The AI Secretariat shall be empowered to grant expedited approval within thirty days for an AI Tool that—

(a) is used exclusively for administrative purposes not involving personal data of parties;

(b) does not affect adjudicatory functions; and

(c) is functionally similar to a tool already approved by the Appropriate Authority.

(8) The AI Secretariat shall maintain a register of all tools approved under sub-regulation (7).

(9) Where AI Tools are developed using Court data or Court resources, the Appropriate Authority shall ensure that the Court retains ownership of, or a perpetual

royalty-free licence to, the resulting tool and its outputs. No private entity shall claim exclusive intellectual property rights over tools developed primarily using judicial data or public resources.

(10) The approval granted by the Appropriate Authority of the Supreme Court in respect of any private entity, vendor, or AI System shall ordinarily be recognised by all High Courts, subordinate Courts and Tribunals, unless the concerned Court records reasons in writing that additional evaluation is necessary having regard to its local technological, administrative or security requirements.

CHAPTER VII

DATA PROTECTION AND CYBER SECURITY

47. Application of relevant laws. —All AI Systems deployed in Court processes shall comply with the provisions of the Digital Personal Data Protection Act, 2023 (22 of 2023), the Information Technology Act, 2000 (21 of 2000) and the applicable rules and regulations framed thereunder, and any other law governing the protection of personal data and judicial information for the time being in force.

48. Sensitive judicial data. — (1) Sensitive judicial data shall not be transferred to any External System without the express written authorisation of the Appropriate Authority.

(2) All transfers of sensitive judicial data shall be subject to appropriate technical and contractual safeguards designed to prevent unauthorised access, disclosure, alteration, or misuse.

(3) The principle of data minimisation shall be applied in the selection and deployment of AI Systems and AI Systems that achieve the relevant operational objective while requiring lesser processing of personal data shall be preferred over those requiring greater data processing, particularly in Court processes involving sensitive personal information or matters affecting personal liberty.

(4) Anonymisation shall be applied to personal data to the extent technically feasible without compromising the utility of the data for the intended purpose, before it is used for the training, testing, or refinement of any AI System.

(5) Every AI System in use in Court processes shall be subject to regular cybersecurity audits at intervals not exceeding one year, or at such shorter intervals as the AI Secretariat may determine and the outcomes of cybersecurity audits shall be reported to the Appropriate Authority and recorded in the AI Register.

(6) The Appropriate Authority shall establish and maintain protocols governing access to personal data processed through or stored in AI Systems, consistent with the principles of least privilege and need-to-know, and shall review these protocols annually.

(7) The AI Secretariat shall ensure that security vulnerabilities and data incidents are identified, documented, escalated and addressed in a timely manner, and shall maintain records of all such incidents in the AI Incident Database.

CHAPTER VIII

CAPACITY BUILDING, TRAINING, AND BEST PRACTICES

49. (1) All Judges, advocates and Court staff, who are required to use or interact with AI Systems in the course of their duties, shall receive regular, structured training on the technical, legal and ethical dimensions of AI, as may be relevant to their functions.

(2) Training on use of AI in Court processes shall be accessible to all such persons, including those in district Courts, and shall be offered in a manner that accounts for linguistic diversity.

(3) The training programmes shall be developed by the AI Secretariat in consultation with relevant domain experts and judicial training institutions, and shall address, at a minimum—

(a) the functioning, capabilities and limitations of AI Systems in use in Court processes;

(b) the identification and mitigation of AI bias, hallucinations and technical errors;

(c) the legal and ethical framework governing AI in the judicial context, including the rights of litigants and the obligations of judicial officers under these regulations;

(d) data protection principles, cyber security awareness and the handling of sensitive judicial data; and

(e) the correct procedures for reporting AI Incidents, raising concerns and utilising grievance redressal mechanisms.

50. Repository of best practices on AI Incidents. —The Appropriate Authority shall maintain a living repository of best practices, case studies, lessons drawn from AI Incidents and guidance notes, which shall be regularly updated, curated and made available to all relevant Courts and judicial personnel, so as to serve as an institutional memory to ensure continuity of competence, despite changes in staff or composition.

51. Review of training programmes. — (1) The adequacy and effectiveness of training programmes shall be reviewed annually by the AI Committee in consultation with the AI Secretariat, and such modifications as are warranted by practical experience or technological developments shall be implemented.

(2) Every High Court shall devise an annual training calendar in coordination with judicial training institutions and the Apex Body, to ensure the sustained and updated competence of all judicial and administrative personnel in matters relating to AI.

CHAPTER IX

GRIEVANCE REDRESSAL AND REMEDIES

52. Grievance Redressal.— (1) Where any person alleges that harm has been caused as a direct or indirect consequence of the use, misuse, malfunction, or prohibited deployment of any AI System in a Court process, such person or his legal representative may file a complaint or application before the Court concerned or in such form and manner as may be prescribed by the High Court.

(2) Every complaint under sub-regulation (1) shall, as far as practicable, be considered and disposed of within thirty days from the date of filing, for reasons to be recorded in writing where additional time is required.

(3) Where the complaint discloses a systemic issue, repeated non-compliance, bias, or risk extending beyond the individual case, the matter shall also be referred to the AI Committee concerned for appropriate remedial, supervisory, or corrective action.

(4) The High Court may prescribe simplified procedures, standard forms, and accessible filing mechanisms for complaints under this regulation, including measures for persons with limited legal literacy, disabilities, or language barriers.

53. Other remedies. — Nothing in these regulations shall preclude any person from seeking such legal remedies as may be available under any law for the time being in force before a competent Court in respect of any harm caused by the use of AI in Court processes.

CHAPTER X MISCELLANEOUS

54. Regulations not in derogation of other laws. — (1) The provisions of these regulations shall be in addition to and not in derogation of the provisions of the Information Technology Act, 2000

(21 of 2000) or the Digital Personal Data Protection Act, 2023 (22 of 2023) or any other law governing Courts, data protection, and AI for the time being in force.

(2) In the event of any inconsistency between these regulations and the provisions of any other law on the subject, the provisions of such law, as may be applicable, shall prevail.

(3) These regulations shall not derogate from any obligation imposed upon Courts or judicial officers by the Constitution or any Central Act or State Act, or the rules of Court framed thereunder.

(4) Where these regulations afford a higher degree of protection to any person than administrative instructions or directions issued by any authority, the provisions of these regulations shall prevail over such instructions or directions to the extent of any inconsistency.

55. Power to issue directions. — The Chief Justice or the Institutional Head may issue administrative directions, circulars, or instructions, as may be necessary, for the effective implementation of these regulations, which shall not be inconsistent with the provisions of these regulations.

56. Power to relax or modify.— The Chief Justice may, for reasons to be recorded in writing, relax or modify any provision of these regulations (other than any prohibition specified in regulation 20, which is non-derogable) in relation to any specific Court, AI System, or set of circumstances, provided that such relaxation or modification does not result in a violation of the general principles laid down in Chapter II.

(2) Any modification proposed to these regulations shall be communicated to the Apex Body within a period of two weeks from the date of such modification.

57. Review of regulations. — (1) The Supreme Court AI Committee shall review these regulations periodically, and in any event whenever necessitated by significant developments in AI technology, changes in applicable law, comparative judicial experience, or practical difficulties arising in implementation.

(2) Every High Court shall share data, audit findings, incident reports, case studies, and recommendations for improvement with the Supreme Court AI Committee on an ongoing basis to facilitate periodic review and continuous improvement of AI governance across the judicial system.

(3) In undertaking review under this regulation, due regard shall be had to constitutional values, judicial independence, human dignity, access to justice, equality, privacy, and the rights of vulnerable and marginalised groups.

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The **Commonwealth Legal Education Association (CLEA)**, founded in 1971, is a London-headquartered organization dedicated to promoting and maintaining high standards of legal education across Commonwealth nations. Under the leadership of the President Prof. (Dr.) S. Sivakumar, the association focuses on nations with legal systems rooted in the Common Law tradition. Its primary goal is to ensure legal training remains socially relevant and professionally useful, helping modern law schools adapt their curricula, teaching methodologies, and distance learning programs to navigate global challenges and the digital information revolution.

To achieve these aims, CLEA organizes various regional and international conferences and actively promotes academic research through its bi-annual *Journal of Commonwealth Law and Legal Education*. It is also deeply involved in practical curriculum design and focusing on vital twenty-first century areas like human rights, international trade law, and transnational crime. For students, the association provides key opportunities for academic and practical growth, most notably through its biennial Commonwealth Moot Competition, biennial student essay contests, and the affiliated Commonwealth Law Student Association.

ABOUT CIJER

The **Commonwealth Institute for Justice Education and Research (CIJER)** is an intensive academic and policy-driven research wing established under the auspices of the Commonwealth Legal Education Association (CLEA). CIJER serves as a specialized platform designed to scale CLEA's primary educational objectives to new heights. The institute focuses on conducting deep-dive socio-legal research, investigating regional and national policy formulations, and fostering an interdisciplinary academic environment that successfully bridges modern law with surrounding technical and social disciplines. By cultivating major global academic collaborations, CIJER actively contributes to the harmonization of legal regulations and uniform standard-setting across nations and beyond. It works to maximize societal justice and promote excellent public governance by driving continuous legal innovation, curriculum evolution, and structural law reforms suited for a globalized economy.

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