
THE ALGORITHMIC JUDGE AND THE CONSTITUTIONAL COURT: AI-ASSISTED ADJUDICATION, JUDICIAL INDEPENDENCE AND THE RIGHT TO A FAIR HEARING IN INDIA

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ABSTRACT

Artificial Intelligence (“AI”) is increasingly transforming the administration of justice by assisting courts in legal research, transcription, translation, case classification, document analysis and identification of relevant precedents. In India, the Supreme Court has itself explored AI-enabled tools for transcription and court administration, while the judicial system has developed initiatives such as AI-assisted translation and research systems. The growing use of AI, however, raises a fundamental constitutional question: whether technological assistance can be reconciled with judicial independence and the right of every person to a fair hearing. The danger becomes particularly acute when algorithmic systems are used not merely for administrative assistance but for evaluating evidence, predicting outcomes, assessing credibility or influencing judicial reasoning. This paper examines the constitutional implications of AI-assisted adjudication in India, particularly under Articles 14, 19 and 21 of the Constitution. It argues that AI should remain an assistive technology and must never become an “algorithmic judge”. Human judicial responsibility, transparency, explainability, procedural fairness, data protection, non-discrimination and meaningful human oversight must constitute the foundational principles of AI governance in courts. The Supreme Court’s 2026 Draft Regulations for Use of Artificial Intelligence in Courts provide an important institutional framework for this emerging constitutional challenge.

Keywords: Artificial Intelligence, Algorithmic Judge, Constitutional Court, Judicial Independence, Fair Hearing, Article 21, Natural Justice, AI in Courts, India.

INTRODUCTION

The judicial process has traditionally been understood as a fundamentally human exercise involving the interpretation of law, evaluation of evidence, application of constitutional principles, appreciation of competing interests, and delivery of reasoned decisions. The emergence of Artificial Intelligence (“AI”), however, is introducing a significant technological dimension into the administration of justice. AI-based systems are capable of processing vast quantities of legal material, searching databases, identifying potentially relevant precedents, summarising pleadings, transcribing oral submissions, translating judicial documents and assisting judges in organising complex case records. Properly regulated, these technologies have the potential to reduce administrative burdens, improve efficiency, minimise delays and strengthen access to justice.

The integration of AI into the Indian judicial system is not merely a theoretical proposition. Indian courts have increasingly explored technological solutions for improving judicial administration. In 2023, the Supreme Court of India invited proposals for the design, development and implementation of AI-based solutions for transcribing arguments and court proceedings.¹ The Supreme Court has also undertaken initiatives involving artificial intelligence and machine-assisted legal processes as part of the broader digitisation of the justice system.² These developments indicate that technology is gradually becoming an important component of contemporary judicial infrastructure.

AI can provide particularly significant assistance in a legal system confronted with substantial case backlogs and large volumes of documentary and precedential material. A judicial officer may be required to examine hundreds or thousands of pages of pleadings, evidence and authorities before determining a dispute. AI-assisted legal research and document-processing systems can help identify relevant information more rapidly. Nevertheless, technological efficiency cannot be equated with judicial justice. The ability of an algorithm to process information at extraordinary speed does not necessarily mean that it can understand the constitutional, social and human dimensions of a dispute.

¹ Supreme Court of India, “Design, Development, and Implementation of Artificial Intelligence (AI) Solution/Tools for Transcribing Arguments and Court Proceedings at Supreme Court of India”, Notice dated May 23, 2023.

² Supreme Court of India, *Draft Regulations for Use of Artificial Intelligence in Courts, 2026*, Supreme Court of India, June 3, 2026.

The constitutional difficulty becomes considerably more serious when AI moves beyond administrative and research assistance into the substantive domain of adjudication. Judicial decision-making is not simply a statistical exercise based upon patterns extracted from previous cases. It requires the application of legal principles to particular facts, consideration of individual circumstances, protection of fundamental rights and the exercise of judicial discretion. In constitutional adjudication, courts may be required to balance competing rights, interpret constitutional values and determine the legality of State action. Such functions cannot safely be reduced to automated predictions.

The use of AI also raises questions concerning judicial independence. If judges begin to rely excessively upon algorithmic recommendations, there is a risk that technological outputs may acquire an authority that they do not constitutionally possess. An apparently objective algorithm may contain biases arising from its training data, design assumptions or underlying methodology. Moreover, where an AI system operates as a “black box”, affected litigants may be unable to understand or challenge the basis upon which a recommendation has been generated. Such opacity may conflict with the principles of natural justice and the constitutional requirement of a fair hearing.

The right to a fair hearing, particularly under Article 21 of the Constitution, requires a procedure that is fair, just and reasonable.³ Accordingly, the central constitutional question is not whether AI should be permitted within the judicial system, but how AI can be deployed without transforming the constitutional judge into an algorithmic decision-maker. AI should therefore remain an assistive instrument, subject to meaningful human supervision, transparency, accountability and independent judicial reasoning. The final responsibility for determining facts, interpreting law and delivering justice must remain with the constitutionally authorised human judge. In this sense, the future of judicial AI in India should be founded upon a simple principle: technology may assist judicial reasoning, but it must never replace judicial judgment.

Constitutional Foundations of Judicial Adjudication

The Constitution of India does not expressly refer to artificial intelligence. Nevertheless, constitutional principles provide a strong framework for determining the permissible limits of

³ *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248.

AI in judicial decision-making.

Article 14 guarantees equality before law and equal protection of laws. An AI system trained on historically discriminatory or incomplete datasets may reproduce existing social biases. In a country characterised by linguistic, social, economic and cultural diversity, algorithmic bias could disproportionately affect vulnerable individuals. An apparently neutral algorithm may therefore produce substantively discriminatory results.

Article 21 protects life and personal liberty and requires that deprivation of liberty follow a procedure that is fair, just and reasonable. The Supreme Court's jurisprudence after *Maneka Gandhi v. Union of India* established that procedural fairness is intrinsic to Article 21.⁴ The right to a fair hearing is therefore not a mere procedural formality but an essential element of constitutional justice.

The constitutional right to privacy is also relevant. In *K.S. Puttaswamy v. Union of India*, the Supreme Court recognised privacy as a fundamental right and held that restrictions upon privacy must satisfy legality, legitimate State purpose and proportionality.⁵ AI-assisted adjudication may involve the processing of highly sensitive personal information, including medical records, financial data, criminal histories, communications and biometric information. Judicial AI must consequently operate within a robust constitutional framework of privacy and data protection.

Judicial Independence and the Threat of Algorithmic Influence

Judicial independence is a structural component of India's constitutional democracy. Courts must be capable of deciding cases independently of the Executive, Legislature, private parties and technological intermediaries. The independence of the judicial mind is particularly important where courts determine fundamental rights and constitutional questions.

The Supreme Court has repeatedly emphasised that judicial functions must remain insulated from external control. In *Madras Bar Association v. Union of India*, the Court stressed the importance of preserving judicial independence where adjudicatory functions are transferred

⁴ *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248

⁵ *K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1. The Supreme Court recognised privacy as a fundamental right and articulated legality, legitimate State aim and proportionality as requirements for permissible State intrusion.

to tribunals.⁶ Similarly, the constitutional requirement of an independent judiciary forms part of the basic structure of the Constitution.

AI creates a new and less visible form of potential influence. Unlike conventional institutional interference, algorithmic influence may occur through software architecture, training data, ranking mechanisms, predictive models or proprietary systems. If judges begin treating algorithmic recommendations as objectively correct, the technology may gradually influence judicial reasoning without formally exercising judicial power.

The danger is particularly serious because sophisticated AI systems can produce outputs that appear authoritative while being based upon statistical correlations rather than legally relevant reasoning. An algorithm may identify that defendants with certain characteristics historically received particular sentences, but such statistical regularities cannot substitute for an individualised judicial determination.

Judicial independence therefore requires not only freedom from governmental influence but also freedom from unquestioned technological influence.

AI as an Assistant, Not an Algorithmic Judge

The most constitutionally appropriate model is a “human-in-the-loop” system in which AI performs limited assistive functions while the judge retains complete responsibility for adjudication.

AI may appropriately be used for:

1. legal research and identification of relevant authorities;
2. transcription and translation of proceedings;
3. summarisation of voluminous documents;
4. case categorisation and administrative scheduling;

⁶ *Madras Bar Association v. Union of India*, (2014) 10 S.C.C. 1; see also *Madras Bar Association v. Union of India*, (2015) 8 S.C.C. 583.

5. identification of potentially relevant precedents;
6. detection of inconsistencies in large documentary records; and
7. accessibility services for litigants and persons with disabilities.

However, AI should not independently determine guilt, innocence, liability, credibility, bail eligibility or the appropriate sentence. These decisions involve constitutional rights and require individualised judicial reasoning.

The Supreme Court's Draft Regulations for Use of Artificial Intelligence in Courts, 2026, expressly adopt this principle. They provide that AI must remain subordinate to human judgment and that ultimate authority over law, facts and justice must remain with judicial officers.⁷ The proposed framework further prohibits AI from independently performing adjudicatory or sentencing functions and requires meaningful human evaluation of AI outputs.⁸

This approach is constitutionally sound because it preserves the institutional identity of the court. AI can assist the judge in navigating information, but it cannot possess constitutional authority.

The Right to a Fair Hearing in the Age of AI

The right to a fair hearing includes the opportunity to know and challenge the material relied upon by the adjudicating authority. This principle creates a serious challenge where AI-generated information influences judicial reasoning.

Suppose an AI system identifies a litigant as presenting a “high risk” of non-compliance. If the litigant is not informed about the factors underlying that classification, meaningful challenge becomes impossible. Similarly, if an AI system recommends a particular legal conclusion but its reasoning cannot be explained, the affected party cannot effectively contest the basis of the recommendation.

This conflicts with the principles of natural justice, particularly *audi alteram partem*—the right

⁷ Supreme Court of India, *Draft Regulations for Use of Artificial Intelligence in Courts, 2026*, reg. 4, “Human Primacy and Judicial Independence.” The draft provides that AI shall remain strictly subservient to human judgment and judicial authority.

⁸ *Id.*, reg. 20. The proposed regulations prohibit AI from independently performing adjudicatory or sentencing functions and require human evaluation of AI-generated outputs.

to be heard.

Accordingly, where AI materially contributes to adjudication, parties should have access, subject to legitimate confidentiality and security restrictions, to sufficient information concerning:

- the fact that AI was used;
- the purpose for which it was used;
- the nature of the information supplied to it;
- the limitations of the system;
- the possibility of error or hallucination; and
- the manner in which the judge independently evaluated the AI output.

The requirement of reasoned decisions is equally important. A judicial judgment cannot simply state that an AI system reached a particular conclusion. The judge must independently explain the legal and factual basis of the decision.

Algorithmic Bias, Accuracy and Hallucinations

AI systems are not infallible. Generative AI may create fabricated cases, incorrect statutory provisions or non-existent quotations. This phenomenon, commonly called “hallucination”, has already entered Indian judicial discourse.

In *Pooja Ramesh Singh v. Jammu and Kashmir Bank Ltd.*, decided in July 2026, the Supreme Court considered the consequences of reliance by tribunals upon AI-generated and non-existent case citations. The Court adopted a zero-tolerance approach towards the use of fabricated or hallucinated precedents in adjudication and emphasised the need for verification of AI-generated legal material.⁹

The decision is highly significant because it demonstrates that AI-generated material cannot be

⁹ *Pooja Ramesh Singh v. Jammu and Kashmir Bank Ltd.*, 2026 INSC 668 (2 July 2026). The Supreme Court addressed the use of AI-generated fake and hallucinated case law and emphasised verification of AI-generated legal material.

treated as inherently reliable merely because it is technologically sophisticated. Legal research remains subject to professional verification.

Algorithmic bias creates an additional problem. Historical judicial data may reflect structural inequalities. If such data are used to train predictive systems, the resulting algorithm may reproduce those inequalities. A system that predicts bail outcomes, sentencing patterns or credibility based upon historical decisions could unintentionally institutionalise past prejudice.

The constitutional response should therefore involve continuous auditing, independent testing, bias assessment and the right to challenge AI-assisted outputs.

Transparency, Explainability and Accountability

The legitimacy of judicial power depends upon public confidence. Judicial decisions must be capable of being understood and reviewed. An opaque algorithm creates a “black box” problem: if neither judges nor litigants understand why a system produced a particular recommendation, accountability becomes difficult.

The Supreme Court's 2026 Draft Regulations recognise transparency and explainability as fundamental principles. The proposed framework requires AI systems used in court processes to meet high standards of transparency and requires their functioning, data inputs and decision logic to be capable of explanation where appropriate.¹⁰

Accountability must ultimately remain with the human decision-maker. A judge cannot avoid responsibility by stating that a computer-generated recommendation influenced the judgment. Judicial office carries a personal constitutional responsibility to decide according to law.

There should also be institutional accountability. Courts should maintain records concerning the AI systems deployed, their purposes, accuracy limitations, audits and security safeguards. Procurement of AI technology should be transparent, and courts should avoid excessive dependence on proprietary systems whose underlying operations cannot be independently scrutinised.

¹⁰ Supreme Court of India, *Draft Regulations for Use of Artificial Intelligence in Courts, 2026*, reg. 7, “Transparency and Explainability.”

Towards a Constitutional Framework for Judicial AI

India requires a comprehensive framework based upon the following principles:

First, human primacy. No AI system should exercise independent judicial power.

Second, constitutional compliance. Every judicial AI system must conform to Articles 14, 19 and 21 and the principles of natural justice.

Third, transparency. Litigants should ordinarily be informed when AI materially contributes to judicial proceedings.

Fourth, explainability. AI outputs affecting rights or liberty should be capable of meaningful explanation.

Fifth, verification. AI-generated legal authorities and factual material must be independently verified.

Sixth, data protection. Judicial AI must employ strict safeguards against unauthorised collection, retention or disclosure of sensitive information.

Seventh, non-discrimination. AI systems must undergo regular testing for caste, gender, disability, linguistic, economic and other forms of discriminatory bias.

Eighth, judicial accountability. Responsibility for the final decision must always remain with the judge.

Ninth, institutional independence. Courts should retain control over the deployment, evaluation and auditing of judicial AI rather than allowing technology vendors to determine the parameters of adjudication.

Tenth, effective remedies. A party affected by materially erroneous AI-assisted reasoning should have meaningful procedural mechanisms to challenge the decision.

Conclusion

AI has the potential to transform India's justice system by reducing administrative burdens, improving legal research, accelerating translation and transcription, and enhancing access to

judicial information. Yet the judiciary cannot be reduced to an information-processing institution. Constitutional adjudication is fundamentally an exercise of reasoned human judgment.

The concept of the “algorithmic judge” should therefore remain a constitutional warning rather than a technological objective. The judge must remain the constitutional decision-maker, while AI functions as a controlled and transparent assistant.

India's emerging regulatory approach is encouraging. The Supreme Court's Draft Regulations for Use of AI in Courts, 2026, expressly place human judgment, judicial independence, fairness, transparency, accountability and data protection at the centre of judicial AI governance.¹² The recent judicial response to AI-generated hallucinated authorities further demonstrates that technological efficiency cannot replace legal verification and judicial responsibility.

Ultimately, the legitimacy of the constitutional court depends not upon how quickly it can decide cases, but upon whether individuals believe that they have been heard by an independent and impartial adjudicator. AI can assist that process, but it cannot replace it. The constitutional future should therefore be one of AI-assisted adjudication, not AI-determined justice.

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