WHEN THE MACHINE DECIDES: NATURAL JUSTICE AND AUTOMATED ADMINISTRATIVE ACTION IN INDIA

Dev Pratap Singh, University School of Law and Legal Studies, GGSIPU

ABSTRACT

This article argues that adverse outcomes produced by automated welfare systems in India are administrative action, bound by natural justice, the duty to give reasons, and Article 14. It distinguishes the wholly automated determination from the system-assisted determination adopted by an officer, contending that each attracts a distinct ground of review: abdication of statutory power in the first, non-application of mind in the second. It further argues that Puttaswamy left the lawfulness of individual exclusions to administrative law rather than foreclosing it, and identifies safeguards Indian courts may already require.

Introduction

On 28 September 2017, an eleven-year-old child, Santoshi Kumari, died in the Simdega district of Jharkhand. The State Government informed Parliament that her family's ration card had been deleted on 22 July 2017;[1] the deletion was attributed to the card not being seeded with Aadhaar, following a State order declaring unseeded cards void.[2] The State maintained that the death was caused by illness rather than hunger.[3] The significance of the episode does not depend on that dispute. A statutory entitlement under the National Food Security Act, 2013 was extinguished without notice, hearing, or reasoned order, as the product of a database operation.

This article contends that such outcomes are administrative action, subject to natural justice, the duty to give reasons, and Article 14. Automation does not dissolve these obligations; it obscures them. It distinguishes two modes of automated administration, each engaging a distinct ground of review, and argues that the majority in *Justice K.S. Puttaswamy v. Union of*

[1]Ministry of Consumer Affairs, Food and Public Distribution, Rajya Sabha Unstarred Question No. 85, answered on 15 December 2017.
[2]Scroll.in, 'Another Aadhaar-linked death alleged in Jharkhand' (December 2017) <https://scroll.in/article/863470>; see also Scroll.in, 'Denied food because she did not have Aadhaar-linked ration card, Jharkhand girl dies of starvation' (October 2017) <https://scroll.in/article/854225>.
[3]Rajya Sabha Unstarred Question No. 85 (n 1).

India left individual exclusions to administrative law rather than foreclosing them.

I. The Automated State

Welfare delivery in India has become progressively automated. Aadhaar-based authentication now mediates access to the public distribution system, pensions and wages under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, while Direct Benefit Transfer routes payments through Aadhaar-linked accounts. Digitisation is not inherently unlawful; the concern is narrower. Automation relocates the point at which administrative decisions are made, and the law must follow the decision there.

The threshold question is whether an automated exclusion is a 'decision' amenable to administrative law. The State may contend that no discretion is exercised where software merely applies predetermined criteria; that is inconsistent with settled doctrine. In *A.K. Kraipak v. Union of India*, the Supreme Court held that natural justice governs administrative action affecting individuals, the inquiry being into effect upon rights rather than form.[4] Moreover, every automated system embodies human choices: which databases are linked, what error thresholds are tolerated, and whether a failed authentication yields denial or a fallback. These are exercises of discretion taken at the stage of design, and to treat the output as legally neutral would let the State evade accountability by relocating its discretion upstream.

II. Two Modes of Automation and Their Distinct Grounds of Review

Automated administration is not a single phenomenon. Two modes must be distinguished, because they engage different grounds of review and call for different remedies.

(a) The wholly automated determination. The adverse outcome takes effect without any human adjudicator: a ration card deleted in a bulk reconciliation, a payment withheld because a seeding check fails. The power to determine entitlement is ordinarily conferred upon a designated officer; where the system disposes of the matter, that power has not been exercised at all. The defect is one of authority, not procedure. In *Commissioner of Police, Bombay v. Gordhandas Bhanji*, the Supreme Court held that where a statute vests discretion in a particular authority, that authority alone must exercise it.[5] A determination effected by a system is vulnerable on

[4] *A.K. Kraipak v. Union of India* (1969) 2 SCC 262; AIR 1970 SC 150.
[5] *Commissioner of Police, Bombay v. Gordhandas Bhanji* AIR 1952 SC 16; [1952] SCR 135.

the same principle, and cannot be a reasoned order, there being no mind to which reasons could be attributed.

(b) The system-assisted determination. An officer exists, but adopts the system's output without independent assessment. The defect is not absence of authority but absence of application of mind. In *Anirudhsinhji Karansinhji Jadeja v. State of Gujarat*, the Court set aside action where the officer in whom the power vested had sought a superior's direction rather than forming his own satisfaction.[6] An officer who records a denial because the system flagged a mismatch, without considering the material the claimant can produce, is in an analogous position, and is further exposed under *Mohinder Singh Gill v. Chief Election Commissioner*, since reasons reproducing a system output cannot be supplemented by affidavit afterwards.[7]

The distinction matters. The remedies differ: the wholly automated determination is liable to be treated as a nullity, the system-assisted determination to be quashed and remitted. So does the evidential burden: in the second, the claimant must show the officer's satisfaction was not independently formed, which requires disclosure of what the system found. The second is also where protection is most easily defeated, since a perfunctory endorsement can convert an automated determination into an apparently lawful order. The Court of Justice of the European Union met this in *SCHUFA*, holding that an automatically generated probability value is itself an automated decision where the entity that formally decides draws strongly upon it.[8] The law must attend to where the decision is in substance made, not where it is recorded.

III. The Right to Be Heard

The rule of *audi alteram partem* is among the most firmly established principles of Indian public law, and after *Maneka Gandhi v. Union of India* it informs the Article 21 requirement that procedure be fair and reasonable.[9]

Automated exclusion ordinarily affords no hearing. The beneficiary learns of the decision only upon being refused rations or payment, by which time the prejudice, often grave for those dependent on subsistence entitlements, has been suffered. Natural justice is admittedly flexible:

[6] *Anirudhsinhji Karansinhji Jadeja v. State of Gujarat* (1995) 5 SCC 302, para 11; AIR 1995 SC 2390.
[7] *Mohinder Singh Gill v. Chief Election Commissioner* (1978) 1 SCC 405, para 8; AIR 1978 SC 851.
[8] Case C-634/21 *OQ v. Land Hessen* (SCHUFA Holding), CJEU (First Chamber), 7 December 2023, paras 48–50.
[9] *Maneka Gandhi v. Union of India* (1978) 1 SCC 248; AIR 1978 SC 597.

in *Swadeshi Cotton Mills v. Union of India*, the Court accepted that exigencies may justify a post-decisional hearing, provided it is genuine and effective.[10] Automated welfare decisions seldom involve such urgency, and nothing prevents a system from issuing prior notice or referring a failed authentication to an officer. Where a prior hearing is practicable and the entitlement concerns food or livelihood, its omission is difficult to defend.

IV. The Duty to Give Reasons

In *Kranti Associates v. Masood Ahmed Khan*, the Supreme Court held that reasons must be recorded even in administrative decisions affecting a person prejudicially, and that 'rubber-stamp reasons' cannot be equated with a valid decision-making process.[11] Earlier, in *Raj Kishore Jha v. State of Bihar*, the Court described reason as the heartbeat of every conclusion.[12]

Automated decisions rarely satisfy this standard, and the duty operates differently across the two modes. In the wholly automated case the difficulty is categorical: there is no decision-maker whose reasons could be recorded, so their absence follows from the design. In the system-assisted case the officer must record reasons, but can do so only if the system discloses the basis of its output. A person refused rations is seldom told whether the cause was a biometric failure or a database discrepancy, and cannot contest what is not disclosed. Explainability is therefore a precondition of the officer's own compliance with *Kranti Associates*.

V. Article 14: Proportionality, Arbitrariness and Disproportionate Impact

The decision most often invoked against such claims, *Puttaswamy*, is in fact consistent with them. The majority opinion of Sikri J upheld the Aadhaar Act on the four-fold proportionality standard of *Modern Dental College and Research Centre v. State of Madhya Pradesh*: legitimate goal, rational connection, necessity, and balancing.[13][14] It sustained Section 7, read down Section 57, and invalidated mandatory linking with bank accounts and mobile connections.[15] Two features of that reasoning matter here.

[10] *Swadeshi Cotton Mills v. Union of India* (1981) 1 SCC 664; AIR 1981 SC 818.
[11] *Kranti Associates Pvt. Ltd. v. Masood Ahmed Khan* (2010) 9 SCC 496, para 47.
[12] *Raj Kishore Jha v. State of Bihar* (2003) 11 SCC 519, para 19.
[13] *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2019) 1 SCC 1 (decided 26 September 2018).
[14] *Modern Dental College and Research Centre v. State of Madhya Pradesh* (2016) 7 SCC 353.
[15] *Puttaswamy* (n 13), majority opinion of Sikri J.

First, the majority expressly declined to strike down Section 7 on account of the denial of entitlements in individual cases arising from authentication failure. That holding concerns facial validity; it does not determine the lawfulness of any particular exclusion. By upholding the provision while saying nothing to immunise a particular denial made without notice, reasons or human review, the majority left individual exclusion where it belongs, in administrative law. The argument here operates within that holding, not against it.

Second, the proportionality analysis presupposed corrective mechanisms. A measure survives balancing only if the harm imposed is outweighed by the benefit secured, and that calculus assumed those wrongly excluded would be restored through exception-handling. Where such procedures are unavailable in practice, the premise of the balancing fails: a measure proportionate in design may be disproportionate as applied. This permits an individual exclusion to be impugned without disturbing *Puttaswamy*.

Arbitrariness reinforces the point. Since *E.P. Royappa v. State of Tamil Nadu*, arbitrariness has been treated as antithetical to equality,[16] and *Shayara Bano v. Union of India* confirmed that manifest arbitrariness may invalidate even legislation.[17] A system that foreseeably excludes eligible persons without accessible correction is vulnerable on this ground: the exclusion follows from a policy choice as to how error is to be borne.

A further argument arises from the distribution of that error, since biometric authentication fails more frequently for manual labourers and the elderly. In *Lt. Col. Nitisha v. Union of India*, the Supreme Court recognised indirect discrimination, holding that facially neutral criteria may offend Articles 14 and 15(1) where they produce a disproportionate adverse impact upon a group and reinforce existing disadvantage, irrespective of intent.[18] A uniform biometric requirement is neutral in exactly this sense, and its burden falls most heavily on those whose prior disadvantage shaped the conditions causing the failure. *Nitisha* admittedly arose on a ground enumerated in Article 15(1), and extension beyond those grounds remains to be worked out. The claim is accordingly modest: indirect discrimination supplies a principled basis for scrutinising the distribution of automated error under Article 14.

[16] *E.P. Royappa v. State of Tamil Nadu* (1974) 4 SCC 3; AIR 1974 SC 555.
[17] *Shayara Bano v. Union of India* (2017) 9 SCC 1.
[18] *Lt. Col. Nitisha v. Union of India* 2021 SCC OnLine SC 261; [2021] 4 SCR 633, paras 45–73.

VI. Comparative Perspectives

Three jurisdictions illustrate three distinct regulatory techniques.

Australia: individual judicial review. Under the Robodebt scheme, alleged welfare overpayments were calculated by averaging annual taxation data across fortnightly periods. In *Amato v. Commonwealth*, the Commonwealth conceded, and the Federal Court declared by consent, that a debt so calculated was not validly made, there being no probative material to support the conclusion that a debt had arisen.[19] The scheme's dimensions emerged only in the subsequent class action: in *Prygodicz v. Commonwealth (No. 2)*, Murphy J recorded that the Commonwealth had unlawfully asserted debts of at least $1.763 billion against some 433,000 persons, describing the episode as a shameful chapter and a massive failure of public administration.[20] A Royal Commission reported adversely in July 2023.[21] Two lessons follow. One concerns scale: a single legal error, embedded in a computational rule, was replicated across an entire class. The other concerns burden: requiring recipients to disprove a computed debt inverted the allocation of proof, and individual review proved ineffective because those affected could not ascertain how the figure arose.

The Netherlands: systemic review of the enabling framework. In the SyRI litigation, the District Court of The Hague held that the legislation governing an algorithmic fraud-detection instrument contravened Article 8 of the European Convention on Human Rights because its operation was insufficiently transparent and verifiable.[22] The significance lies in the level of operation: the challenge was directed not at an individual determination but at the framework authorising the system, the vice identified being opacity as such. This mode is least developed in India, where challenges have been either facial or factual, with little attention to system design as an intermediate category.

The European Union: ex ante statutory entitlement. Article 22 of the General Data Protection Regulation confers a right not to be subject to decisions based solely on automated processing producing legal or similarly significant effects, subject to safeguards including human

[19] *Amato v. Commonwealth of Australia*, Federal Court of Australia, orders made by consent (Davies J), 27 November 2019; see Victoria Legal Aid, 'Explainer: Deanna Amato's robo-debt case' <https://www.legalaid.vic.gov.au/explainer-deanna-amatos-robo-debt-case>.
[20] *Prygodicz v. Commonwealth of Australia (No. 2)* [2021] FCA 634 (Murphy J, 11 June 2021).
[21] Royal Commission into the Robodebt Scheme, *Report* (Commonwealth of Australia, 7 July 2023).
[22] *Nederlands Juristen Comité voor de Mensenrechten v. State of the Netherlands*, District Court of The Hague, 5 February 2020, ECLI:NL:RBDHA:2020:1878 (English translation).

intervention and the right to contest.[23] *SCHUFA* construed it purposively, refusing to let a formally interposed human decision-maker remove a determination from its scope. The Artificial Intelligence Act goes further: systems used by public authorities to evaluate eligibility for essential public assistance benefits are high-risk under Annex III, and Article 86 confers on an adversely affected person a right to a clear and meaningful explanation of the system's role and the decision's main elements.[24] That right is not displaced by human involvement, which meets the difficulty identified in Part II. India need not transplant these models; the point is that the first technique is already available under Indian law, the second remains underdeveloped, and the third is absent.

VII. Anticipated Objections

First, no Indian court has held natural justice applicable to automated decisions as such. That is correct; the argument proceeds by extension of settled principle, as administrative law has always adapted, *Kraipak* itself being the example.

Second, the State may invoke the recognised exceptions: exclusion by statute, considered in *Union of India v. Tulsiram Patel*,[25] and the 'useless formality' doctrine applied in *Aligarh Muslim University v. Mansoor Ali Khan*.[26] Neither is apposite. Welfare statutes do not expressly exclude a hearing, and exclusion is not lightly implied; nor can a hearing be a useless formality where the very question is whether the system has erred. The objection that millions cannot each be heard misconceives the proposal: review arises only where an adverse outcome is generated, and such cases can be routed by the system itself.

Third, it may be said that adequate safeguards exist: the proviso to Section 7 of the Aadhaar Act, 2016 requires that a person not assigned an Aadhaar number be offered alternate and viable means of identification;[27] the Authentication Regulations, 2016 require exception-handling mechanisms;[28] and executive instruments of 2017 prescribe procedures where authentication fails.[29] These operate as guidance and depend on agency compliance. None confers an

[23]Regulation (EU) 2016/679 (General Data Protection Regulation), art. 22.
[24]Regulation (EU) 2024/1689 (Artificial Intelligence Act), art. 86 and Annex III, point 5(a). Application of the Annex III high-risk obligations was deferred to 2 December 2027 by the Digital Omnibus on AI, endorsed by the European Parliament on 16 June 2026 and approved by the Council on 29 June 2026.
[25]*Union of India v. Tulsiram Patel* (1985) 3 SCC 398.
[26]*Aligarh Muslim University v. Mansoor Ali Khan* (2000) 7 SCC 529.
[27]Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, s. 7, proviso.
[28]Aadhaar (Authentication) Regulations, 2016, reg. 14(1)(i).
[29]UIDAI, Circular on exception handling, 24 October 2017; Cabinet Secretariat (DBT Mission), Office

enforceable entitlement to notice, reasons or a hearing before exclusion. They confirm that the State recognises the risk, not that it has been addressed.

VIII. The Way Forward

Four requirements follow, the first two differentiated by the mode of automation. First, no wholly automated determination should extinguish a significant entitlement: where a statute confers the power upon an officer, the officer must exercise it, and a failed authentication should trigger verification rather than exclusion. Second, where an officer acts upon a system's output, that output and its basis must be disclosed and recorded, so that the independence of the officer's satisfaction can be reviewed; an endorsement not shown to rest on independent consideration should attract the consequences of non-application of mind. Third, the affected person should receive notice and intelligible reasons, and the entitlement should continue during a bona fide challenge, so that the cost of the State's errors falls on the State. Fourth, systems should be auditable, with error and exclusion rates published, enabling courts to assess arbitrariness and the distribution of error under Article 14.

The first three may be developed through ordinary judicial review. The fourth is better secured by legislation, and here the Digital Personal Data Protection Act, 2023 is silent, containing no provision equivalent to Article 22 of the GDPR.[30]

Conclusion

Automation does not alter the premise that public power must be exercised in accordance with law; it heightens its importance, since a single flawed rule applied at scale may cause widespread harm while rendering that harm less visible. The principles required are already established. *Kraipak* holds that the form of a decision is immaterial; *Maneka Gandhi* requires fair procedure; *Kranti Associates* and *Mohinder Singh Gill* require that decisions carry their own reasons; *Gordhandas Bhanji* and *Anirudhsinhji* forbid the surrender of statutory power and of the mind that must exercise it; *Royappa*, with *Nitisha*, treats arbitrariness and disproportionate impact as denials of equality.

What is required is not new doctrine but the discipline of asking, in each case, who decided

Memorandum on exception handling, 19 December 2017; UIDAI, Press Note, 'As per Aadhaar Act, no denial for want of Aadhaar' (10 February 2018).

[30]Digital Personal Data Protection Act, 2023 (Act No. 22 of 2023).

and upon what material. The question is not whether the State may employ automated systems, but whether it may shelter behind them. It may not.

References

Indian Cases

A.K. Kraipak v. Union of India (1969) 2 SCC 262; AIR 1970 SC 150.

Aligarh Muslim University v. Mansoor Ali Khan (2000) 7 SCC 529.

Anirudhsinhji Karansinhji Jadeja v. State of Gujarat (1995) 5 SCC 302; AIR 1995 SC 2390.

Commissioner of Police, Bombay v. Gordhandas Bhanji AIR 1952 SC 16; [1952] SCR 135.

E.P. Royappa v. State of Tamil Nadu (1974) 4 SCC 3; AIR 1974 SC 555.

Justice K.S. Puttaswamy (Retd.) v. Union of India (2019) 1 SCC 1.

Kranti Associates Pvt. Ltd. v. Masood Ahmed Khan (2010) 9 SCC 496.

Lt. Col. Nitisha v. Union of India 2021 SCC OnLine SC 261; [2021] 4 SCR 633.

Maneka Gandhi v. Union of India (1978) 1 SCC 248; AIR 1978 SC 597.

Modern Dental College and Research Centre v. State of Madhya Pradesh (2016) 7 SCC 353.

Mohinder Singh Gill v. Chief Election Commissioner (1978) 1 SCC 405; AIR 1978 SC 851.

Raj Kishore Jha v. State of Bihar (2003) 11 SCC 519.

Shayara Bano v. Union of India (2017) 9 SCC 1.

Swadeshi Cotton Mills v. Union of India (1981) 1 SCC 664; AIR 1981 SC 818.

Union of India v. Tulsiram Patel (1985) 3 SCC 398.

Foreign and Supranational Cases

Amato v. Commonwealth of Australia, Federal Court of Australia, consent orders (Davies J), 27 November 2019.

Case C-634/21 *OQ v. Land Hessen* (SCHUFA Holding), CJEU, 7 December 2023.

Nederlands Juristen Comité voor de Mensenrechten v. State of the Netherlands, District Court of The Hague, 5 February 2020, ECLI:NL:RBDHA:2020:1878.

Prygodicz v. Commonwealth of Australia (No. 2) [2021] FCA 634.

Statutes, Regulations and Instruments

Constitution of India, arts. 14, 15 and 21.

Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, s. 7.

Aadhaar (Authentication) Regulations, 2016, reg. 14.

Digital Personal Data Protection Act, 2023 (Act No. 22 of 2023).

National Food Security Act, 2013.

Regulation (EU) 2016/679 (General Data Protection Regulation), art. 22.

Regulation (EU) 2024/1689 (Artificial Intelligence Act), art. 86 and Annex III.

Official Documents and Reports

Cabinet Secretariat (DBT Mission), Office Memorandum on exception handling for use of Aadhaar in benefit schemes, 19 December 2017.

Ministry of Consumer Affairs, Food and Public Distribution, Rajya Sabha Unstarred Question No. 85, answered on 15 December 2017.

Royal Commission into the Robodebt Scheme, *Report* (Commonwealth of Australia, July 2023).

UIDAI, Circular on exception handling, 24 October 2017; UIDAI, Press Note, ‘As per Aadhaar Act, no denial for want of Aadhaar’ (10 February 2018).

Articles and Other Sources

Scroll.in, 'Denied food because she did not have Aadhaar-linked ration card, Jharkhand girl dies of starvation' (October 2017) <https://scroll.in/article/854225>.

Scroll.in, 'Another Aadhaar-linked death alleged in Jharkhand: Woman who was denied rations succumbs to hunger' (December 2017) <https://scroll.in/article/863470>.

Victoria Legal Aid, 'Explainer: Deanna Amato's robo-debt case' <https://www.legalaid.vic.gov.au/explainer-deanna-amatos-robo-debt-case>.

Whiteford, P., 'Robodebt was a policy fiasco with a human cost we have yet to fully appreciate', *The Conversation* (November 2020).