
ALGORITHMIC DECISION-MAKING AND ADMINISTRATIVE DISCRETION IN INDIA: FROM FORMAL AUTHORITY TO SUBSTANTIVE CONTROL

Sheikh Abbas Bin Mohd, Research Assistant, Falcon Legal Chambers

Musrat Mohd, Managing Partner, Falcon Legal Chambers

Jaffar Ahmad Khan, Senior Associate, Falcon Legal Chambers

ABSTRACT

Algorithmic systems increasingly participate in public administration by allocating cases, identifying risk, verifying eligibility and structuring the information on which officials act. Scholarship has established that automated decision-making can redistribute discretion, obscure decisional grounds and make nominal human oversight ineffective. This article addresses a narrower problem of legal proof: when an algorithm materially shapes an administrative outcome, what must the administrative record show before a reviewing court can conclude that the statutory decision-maker genuinely exercised the discretion entrusted to that office? Using doctrinal-conceptual analysis of Indian public law, the article synthesises Supreme Court jurisprudence on acting under dictation, non-fettering, application of mind, relevant considerations and reasoned orders. Three documented public-sector applications-Samagra Vedika, Project ADVAIT/GST analytics and faceless income-tax assessment-are used illustratively to test the resulting framework across different degrees of algorithmic influence. The article develops a five-part Substantive Discretion Test (SDT): decisional provenance, comprehension of decisional grounds, effective override, individualised consideration and reason ownership. The SDT is not a new standard of review. It is an evidentiary framework for identifying whether apparent human authority corresponds to substantive exercise of statutory judgment, and for connecting the resulting record to established grounds of judicial review.

Keywords: Algorithmic decision-making; administrative discretion; artificial intelligence; judicial review; human oversight; administrative law; India.

I. INTRODUCTION

Public administration increasingly operates through socio-technical systems rather than through a single, readily identifiable official. An application may be matched across databases before it reaches a welfare officer; a taxpayer may be classified as high-risk before scrutiny begins; and a draft assessment may be routed through automated examination before an authorised officer adopts an order. The final legal act can nevertheless continue to bear a human name, designation or digital signature. This creates a problem that is easy to state but difficult to resolve: where legislation entrusts discretion to a public authority, how can a court determine whether that authority actually exercised the judgment that the law assigned to it?

Indian administrative law already contains a mature body of doctrine directed to that question in non-digital settings. Statutory authority must be exercised by the person or body in whom it is vested; the authority must engage with legally relevant material; discretion must not be surrendered to dictation or unlawfully fettered; relevant circumstances must be capable of consideration; and reasons may be required to demonstrate application of mind and permit review.¹ Algorithmic systems do not displace those propositions merely because they introduce a new form of assistance. They do, however, make the location and exercise of judgment harder to observe. A recommendation may be formally non-binding yet practically determinative. An officer may possess a nominal override but lack the information, time or institutional freedom necessary to use it. A technically intelligible model may still leave unanswered whether the official adopted the legally relevant reasons for the ultimate decision.

The contemporary regulatory context makes this doctrinal problem especially important. India's AI Governance Guidelines adopt a people-first orientation, emphasise human oversight and final human control where practicable, recommend review and override mechanisms at critical decision points, and rely substantially on existing law and sectoral institutions rather than a new horizontal AI statute.² If existing public law is expected to carry part of the

¹ See, e.g., *Commissioner of Police, Bombay v. Gordhandas Bhanji*, AIR 1952 SC 16, 1952 SCR 135; *Purtabpore Co. Ltd. v. Cane Comm'r of Bihar*, (1969) 1 SCC 308, AIR 1970 SC 1896; *Mansukhlal Vithaldas Chauhan v. State of Gujarat*, (1997) 7 SCC 622, AIR 1997 SC 3400; *S.N. Mukherjee v. Union of India*, (1990) 4 SCC 594, AIR 1990 SC 1984.

² Ministry of Electronics & Information Technology, Government of India, India AI Governance Guidelines 12, 30-31 (Nov. 5, 2025), <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2025/nov/doc2025115685601.pdf>; Ministry of Electronics & Information Technology, Government of India, India AI Governance Guidelines Do Not Allow Unrestricted Deployment of High-Risk AI Systems, Press Information Bureau (Dec. 19, 2025), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2206769>.

regulatory burden, courts require a method for determining when human control is substantive rather than formal.

This article asks one primary research question: how should Indian administrative law determine whether an authorised public official genuinely exercised statutory discretion when an algorithm materially structured, recommended or constrained the resulting administrative decision? Two subsidiary questions follow. First, when does computational assistance become functional substitution or unlawful fettering of legally entrusted judgment? Second, what evidence should a reviewing court require to distinguish substantive human judgment from nominal human approval without adjudicating the technical merits of the algorithm itself?

The article's contribution is intentionally narrow. It does not claim that algorithms newly create problems of discretion, explainability, delegation or human oversight. Those issues are well established in the literature. Nor does it propose another substantive standard of review. Instead, it develops the Substantive Discretion Test (SDT) as a record-oriented evidentiary framework. The SDT asks five questions: what materially generated the decisional judgment; whether the authorised official could comprehend the legally relevant grounds supporting the algorithmic output; whether meaningful departure was available; whether legally relevant individual circumstances could affect the outcome; and whether the official contemporaneously owned the reasons that acquired legal force. A court can then connect the resulting evidence to familiar doctrines such as acting under dictation, non-fettering, non-application of mind, failure to consider relevant matters and inadequate reasons.

The argument proceeds in eight further sections. Section II specifies the doctrinal-conceptual method and limits of the inquiry. Section III reviews the relevant literature thematically and isolates the remaining evidentiary gap. Section IV reconstructs the Supreme Court's law of administrative discretion. Section V tests the problem through three purposively selected administrative applications. Section VI develops the SDT and identifies the records relevant to each limb. Section VII addresses judicial competence, record production, commercial confidentiality and the relation between the SDT and proportionality. Section VIII identifies limits and regulatory implications. Section IX concludes.

II. METHODOLOGY AND SCOPE

This study uses doctrinal-conceptual legal analysis. Its primary materials are reported Supreme

Court decisions, relevant High Court decisions, legislation and official governmental material concerning the design or use of the selected administrative systems. Secondary literature is used for two different purposes: peer-reviewed and established scholarly sources map the theoretical debates concerning automated administration, while more recent India-focused articles and preprints are used to identify the current direction of the domestic debate and to test the novelty of the proposed framework.

The doctrinal analysis is reconstructive rather than merely descriptive. The article does not ask whether any Supreme Court authority has already formulated an 'algorithmic discretion' test. It asks what conditions the Court's existing jurisprudence treats as constitutive of a lawful exercise of entrusted discretion and whether those conditions can be expressed as evidentiary questions suitable for a hybrid human-machine process. This approach avoids treating artificial intelligence as a legally exceptional category while also avoiding the opposite error of assuming that formal human approval settles the question of who decided.

The three administrative applications were selected purposively, not as a representative sample of government AI. Each is publicly documented and occupies a different functional position in relation to legal judgment. Samagra Vedika illustrates data integration and eligibility verification capable of shaping welfare determinations; Project ADVAIT illustrates analytics intended to aid officers by identifying risk, patterns and possible non-compliance; and faceless income-tax administration combines automated allocation and examination with statutorily assigned human assessment functions. The comparison therefore permits the same doctrinal framework to be tested against infrastructure, decisional assistance and potentially stronger forms of substantive influence.

The applications are illustrative, not empirical case studies. Public sources do not disclose complete source code, model parameters, actual override rates or the full internal record presented to each official. No inference is therefore drawn about the legality of a particular individual decision or the technical accuracy of a particular system. The point is methodological: to identify which facts would matter if a petitioner challenged an algorithmically mediated decision and what documentary record would permit a court to evaluate those facts.

Finally, the SDT is evaluated against existing grounds of judicial review rather than proposed as an autonomous cause of action. The distinction between algorithmic assistance and

substitution is functional and case-specific. The legal significance of any SDT finding ultimately depends on the governing statute: where Parliament requires mechanical application of objective criteria or expressly authorises automation, the demand for individual human judgment may be limited; where open-textured discretion is entrusted to a designated authority, evidence of substantive exercise becomes more important.

III. LITERATURE REVIEW AND RESEARCH GAP

A. Relocation of Administrative Discretion

The conceptual starting point is the relocation rather than disappearance of discretion. Bovens and Zouridis' account of the transition from street-level to system-level bureaucracy showed that information technology can shift practical judgment away from frontline officials and into system design, where analysts and software designers translate legal and policy choices into operational rules.³ Citron's account of technological due process subsequently demonstrated the legal significance of that relocation: automated systems can embed policy choices in code while weakening notice, participation, error correction and the visibility of administrative reasoning.⁴

Later public-administration scholarship extended the analysis beyond deterministic computerisation. Young, Bullock and Lecy describe 'artificial discretion' as a governance phenomenon in which artificial intelligence changes both the scale and institutional location of judgment.⁵ The central proposition is now uncontroversial: a system may alter discretion even when the legal authority formally remains human. That proposition also appears in work addressing Indian administration, including Joshi's analysis of automated administration and Mehta's treatment of AI and faceless assessment.⁶ The present article therefore does not rely

³ Mark Bovens & Stavros Zouridis, *From Street-Level to System-Level Bureaucracies: How Information and Communication Technology Is Transforming Administrative Discretion and Constitutional Control*, 62 *Pub. Admin. Rev.* 174, 174-84 (2002), <https://doi.org/10.1111/0033-3352.00168>.

⁴ Danielle Keats Citron, *Technological Due Process*, 85 *Wash. U. L. Rev.* 1249, 1253-59, 1305-13 (2008).

⁵ Matthew M. Young, Justin B. Bullock & Jesse D. Lecy, *Artificial Discretion as a Tool of Governance: A Framework for Understanding the Impact of Artificial Intelligence on Public Administration*, 2 *Persps. on Pub. Mgmt. & Governance* 301, 301-13 (2019), <https://doi.org/10.1093/ppmgov/gvz014>.

⁶ Divij Joshi, *Automated Administration: Administrative Law and Algorithmic Decision-Making in India*, in *The Philosophy and Law of Information Regulation in India* ch. 6 (2022), <https://publications.clpr.org.in/the-philosophy-and-law-of-information-regulation-in-india/chapter/automated-administration-administrative-law-and-algorithmic-decision-making-in-india/>; Rishabh Mehta, *Automated Decision Making Through AI-An End to the Quintessential Discretion?*, in *Architectures of Autonomy: Balancing Federalism, Pluralism, and Rights in the Digital State* 209, 209-26 (Anil R. Nair ed., National University of Advanced Legal Studies 2026), <https://ssrn.com/abstract=7336998>.

on the novelty of 'algorithmic discretion' as a label or on the general proposition that technology can redistribute decisional power.

B. Human Oversight, Explanation and Reviewability

A second body of work concerns the inadequacy of purely nominal human oversight. Cobbe, Lee and Singh conceptualise automated decision-making as a socio-technical process extending from design and procurement to deployment and review. Their concept of reviewability shifts attention from explanation of a single output to records that permit reconstruction of the process that produced a legally consequential decision.⁷ Green's study of forty-one governmental policies requiring human oversight reaches a complementary conclusion from an empirical direction: policies frequently assume that a human reviewer can supervise an algorithm without establishing whether the reviewer possesses the information, incentives or institutional capacity necessary to do so.⁸

Accountability scholarship likewise shows why responsibility can become distributed. Crawford and Schultz identify accountability gaps when public bodies use privately developed algorithmic systems while lacking or disclaiming sufficient knowledge to explain harmful outcomes.⁹ Strandburg locates a related problem in the informational relationships among policymakers, domain experts and technical developers, while Deeks shows how legal demands for explanation can influence the design and procurement of public-sector AI.¹⁰ These analyses are important for public law because technical interpretability and legal reason-giving are not identical. An algorithm can be technically explainable even though the authorised official did not understand or adopt the legally relevant grounds of the decision; conversely, a legally adequate explanation need not always require disclosure of source code.

Reason-giving has also been examined directly in the Indian administrative context. Agarwal asks how automated administrative decisions can satisfy the duty to give reasons and draws on

⁷ Jennifer Cobbe, Michelle Seng Ah Lee & Jatinder Singh, Reviewable Automated Decision-Making: A Framework for Accountable Algorithmic Systems, in Proceedings of the 2021 ACM Conference on Fairness, Accountability, and Transparency 598, 598-609 (2021).

⁸ Ben Green, The Flaws of Policies Requiring Human Oversight of Government Algorithms, 45 Comput. L. & Sec. Rev. 105681 (2022), <https://doi.org/10.1016/j.clsr.2022.105681>.

⁹ Kate Crawford & Jason Schultz, AI Systems as State Actors, 119 Colum. L. Rev. 1941, 1941-72 (2019).

¹⁰ Katherine J. Strandburg, Rulemaking and Inscrutable Automated Decision Tools, 119 Colum. L. Rev. 1851, 1851-86 (2019); Ashley S. Deeks, The Judicial Demand for Explainable Artificial Intelligence, 119 Colum. L. Rev. 1829, 1829-50 (2019).

non-fettering and explainable-AI approaches.¹¹ The problem of explanation is therefore already established. The narrower question for this article is evidentiary: what contemporaneous material demonstrates that reasons belonged to the statutory decision-maker rather than being generated, reconstructed or rationalised elsewhere in the system?

C. Delegation, Fettering and Hybrid Decision-Making

The literature on administrative law further narrows the available novelty claim. Oswald frames algorithm-assisted public-sector decision-making through existing rules governing discretionary power and judicial review, demonstrating that older public-law doctrines can be adapted to technological settings.¹² Cobbe similarly analyses automated public-sector decision-making through legality, procedural fairness, relevant considerations and fettering.¹³ Williams identifies further pressures created by opacity, technical evaluation, scalable error and correlation-driven systems, while still locating the response within administrative law rather than outside it.¹⁴

More recent scholarship focuses directly on hybrid decision-making. McCann argues that the algorithm need not itself become a legal site of discretion; the more significant concern is that automated systems reorganise institutional relationships in ways that diminish the human judgment and commitment expected by law.¹⁵ Butler's analysis of delegation questions whether inherited non-delegation doctrine adequately captures modern architectures in which decisional functions are dispersed across officials and systems.¹⁶ Williams and Engstrom identify a related 'fettering' problem: legal systems must determine how discretion operates when humans receive algorithmic recommendations and under what conditions departure

¹¹ Chytanya S. Agarwal, A Framework for Reasoned Automated Decision-Making under Indian Administrative Law, NLSIR Online (Feb. 13, 2024), <https://forum.nls.ac.in/nlsir-online-blog/a-framework-for-reasoned-automated-decision-making-under-indian-administrative-law/>.

¹² Marion Oswald, Algorithm-Assisted Decision-Making in the Public Sector: Framing the Issues Using Administrative Law Rules Governing Discretionary Power, 376 Phil. Transactions Royal Soc'y A 20170359 (2018), <https://doi.org/10.1098/rsta.2017.0359>.

¹³ Jennifer Cobbe, Administrative Law and the Machines of Government: Judicial Review of Automated Public-Sector Decision-Making, 39 Legal Stud. 636, 636-55 (2019), <https://doi.org/10.1017/lst.2019.9>.

¹⁴ Rebecca Williams, Rethinking Administrative Law for Algorithmic Decision Making, 42 Oxford J. Legal Stud. 468, 468-94 (2022), <https://doi.org/10.1093/ojls/gqab032>.

¹⁵ Sancho McCann, Discretion in the Automated Administrative State, 36 Can. J.L. & Juris. 171, 171-94 (2023), <https://doi.org/10.1017/cjlj.2022.25>.

¹⁶ Oliver Butler, Algorithmic Decision-Making, Delegation and the Modern Machinery of Government, 45 Oxford J. Legal Stud. 727, 727-52 (2025), <https://doi.org/10.1093/ojls/gqaf018>.

should occur.¹⁷

These problems have also been recognised in the Indian setting. Joshi applies doctrines of delegation, non-fettering, procedural fairness, relevant considerations and rationality to automated administration, while Mehta expressly argues that artificial intelligence should assist rather than replace administrative discretion.¹⁸ It would therefore be inaccurate to claim novelty for the assistance/substitution distinction, for applying non-fettering doctrine to AI, or for observing that a human in the loop may still rubber-stamp a machine output.

D. The Unresolved Evidentiary Problem in Indian Public Law

Recent contributions address automated state action through administrative justice, constitutional accountability and cross-sector due process.¹⁹ Another 2026 contribution proposes a five-stage proportionality matrix for AI-assisted administrative action.²⁰ Taken together, this literature substantially occupies the normative terrain: transparency, human oversight, procedural fairness, proportionality and application of mind are no longer missing topics.

The gap identified here concerns the proof structure of judicial review. The literature located for this study does not supply an integrated record-oriented method for answering an antecedent question: where the impugned order is formally human but materially shaped by an algorithmic system, what should a writ court inspect before deciding that the legally authorised officer did- or did not-exercise the entrusted discretion? That inquiry differs from a proportionality test. Proportionality evaluates the justification and balance of state interference. The SDT instead seeks to establish the decisional facts that precede such review: who supplied the operative

¹⁷ Rebecca Williams & David Freeman Engstrom, Artificial Intelligence and Administrative Law, in *The Oxford Handbook of Algorithmic Governance and the Law* (Ifeoma Y. Ajunwa & Jeremias Adams-Prassl eds., 2026), <https://doi.org/10.1093/9780191996030.003.0008>.

¹⁸ Joshi, *supra* note 6; Mehta, *supra* note 6, at 209-26.

¹⁹ Aman Sonkar, Automated State Action in India: Administrative Justice, Privacy and Constitutional Accountability (Oct. 29, 2025) (preprint), <https://ssrn.com/abstract=5650770>; Meghna S., Algorithmic Decision-Making and Due Process in India: A Cross-Sector Legal Analysis (May 28, 2026) (preprint), <https://ssrn.com/abstract=6840961>; Pernica Shankar, Automated Decision-Making by the State in India: Constitutional Accountability under Articles 14 and 21, 7 *Indian J.L. & Legal Rsch.* (2026), <https://www.ijllr.com/post/automated-decision-making-by-the-state-in-india-constitutional-accountability-under-articles-14-and-21>.

²⁰ Amrita Anand, Mallika S.K. & Rency Charles, From Wednesbury to Proportionality: Rethinking Judicial Review Standards for AI-Assisted Administrative Action in India, 8 *Indian J.L. & Legal Rsch.* (2026), <https://www.ijllr.com/post/from-wednesbury-to-proportionality-rethinking-judicial-review-standards-for-ai-assisted-administra>.

judgment, what grounds were available to the official, whether departure was real, whether individual material could affect the result and whether the reasons were contemporaneously owned by the authority.

The paper's originality therefore lies in synthesis and operationalisation rather than creation of new doctrine. The five SDT limbs correspond to familiar doctrinal concerns, but the framework reorganises them around evidence in the administrative record. That shift matters in a socio-technical process because formal competence and substantive control can diverge. A court cannot determine whether discretion was fettered merely from the presence of a human signature; it requires a reconstruction of the relationship between the system output, the official's legal authority and the contemporaneous material on which the final order rested.

IV. ADMINISTRATIVE DISCRETION IN INDIAN PUBLIC LAW

A. Entrustment and Independent Judgment

Indian public law has long distinguished the formal possession of authority from its genuine exercise. In *Commissioner of Police, Bombay v. Gordhandas Bhanji*, the Supreme Court insisted that public action must be attributable to the statutory authority and that an order must ordinarily stand on the grounds on which it was made.²¹ The authority may receive advice, but the legal act must remain its own.

Mahadaya Premchandra v. Commercial Tax Officer provides an especially useful analogue for hybrid administration. A tax officer sought guidance from a superior and then acted in accordance with that view rather than independently exercising the statutory function. The Court treated the resulting process as inconsistent with the officer's duty to decide for himself.²² The relevance to algorithmic systems is not that software is equivalent to a superior official. It is that administrative legality asks whether the statutory functionary supplied the operative judgment or merely transmitted an externally supplied conclusion.

Purtabpore Co. Ltd. v. Cane Commissioner of Bihar and *Anirudhsinhji Karansinhji Jadeja v. State of Gujarat* reinforce the same structural rule. Where power is entrusted to a designated authority, that authority cannot surrender its judgment to another governmental actor or

²¹ *Commissioner of Police, Bombay v. Gordhandas Bhanji*, AIR 1952 SC 16, 1952 SCR 135.

²² *Mahadaya Premchandra v. Commercial Tax Officer*, AIR 1958 SC 667, 1959 SCR 551, 9 STC 428.

exercise the power under external direction.²³ Advice and administrative assistance remain permissible; abdication does not. The doctrinal boundary is therefore between input that informs judgment and an arrangement that displaces the decision the statute expected the authority to make.

B. Relevant Material and Application of Mind

The jurisprudence on statutory satisfaction supplies a second condition. *Barium Chemicals Ltd. v. Company Law Board* rejected the proposition that language requiring an authority to form an opinion insulates the entire decisional process from review. Although the ultimate opinion could contain a subjective element, the circumstances supporting it had to exist and bear a rational relationship to the statutory conclusion.²⁴ This permits a court to examine the legally relevant factual foundation without converting review into an appeal on merits.

Mansukhlal Vithaldas Chauhan v. State of Gujarat adds an institutional requirement: the competent authority must apply its own independent mind to the material and remain free from pressure, constraint or compulsion.²⁵ The proposition is particularly important for algorithmic administration. If a statute requires an authority to be satisfied on relevant material, it is insufficient that the relevant information exists somewhere in a technical system. The decision-maker must be able to engage with it in a form that permits the legally required judgment.

C. Fettering and the Effective Capacity to Choose

The doctrines against dictation and fettering address whether discretion remains available in substance. *Orient Paper Mills Ltd. v. Union of India* rejected an adjudicatory process in which a statutory authority's judgment was controlled by directions from a superior. *Mansukhlal* similarly treats genuine discretion as incompatible with constraint that removes the practical possibility of reaching an alternative conclusion.²⁶

This principle does not prevent government from adopting policies, decision-support tools or standardised criteria. Administrative consistency may be valuable. The legal concern arises

²³ *Purtabpore Co. Ltd. v. Cane Comm'r of Bihar*, (1969) 1 SCC 308, AIR 1970 SC 1896; *Anirudhsinhji Karansinhji Jadeja v. State of Gujarat*, (1995) 5 SCC 302, AIR 1995 SC 2390.

²⁴ *Barium Chemicals Ltd. v. Company Law Board*, AIR 1967 SC 295, 1966 Supp SCR 311.

²⁵ *Mansukhlal Vithaldas Chauhan v. State of Gujarat*, (1997) 7 SCC 622, para 19, AIR 1997 SC 3400.

²⁶ *Orient Paper Mills Ltd. v. Union of India*, AIR 1969 SC 48, (1969) 1 SCR 245; *Mansukhlal*, (1997) 7 SCC 622, para 19.

where the surrounding architecture converts guidance into predetermination. In a technological setting, this may occur through interface design, inaccessible model grounds, mandatory escalation for disagreement or workflows that automatically implement recommendations. The existence of an 'override' option is therefore evidence of formal authority, not conclusive evidence of practical decisional freedom.

D. Relevant Considerations and Individualised Decision-Making

A fourth line of authority concerns the content of the statutory inquiry. *Indian Railway Construction Co. Ltd. v. Ajay Kumar* and *Reliance Airport Developers (P) Ltd. v. Airports Authority of India* restate the familiar requirements that discretion be exercised by the entrusted authority, directed to the legally relevant question and based on relevant rather than extraneous considerations.²⁷

The implication for algorithmic administration is specific. A system may standardise the collection or organisation of information, but it cannot silently redefine the set of considerations that law requires the administrator to evaluate. If a model represents an applicant through variables A, B and C while the governing scheme also requires consideration of circumstance D, an official process that makes D incapable of affecting the outcome may amount to failure to consider a relevant matter. The defect is not simply technical inaccuracy; it concerns the lawful content of the statutory judgment.

E. Reasons and the Contemporaneous Record

Reason-giving provides the clearest bridge between discretion and evidence. In *S.N. Mukherjee v. Union of India*, the Constitution Bench treated reasons as an important protection against arbitrariness and as a means of facilitating appellate or judicial review.²⁸ *Kranti Associates (P) Ltd. v. Masood Ahmed Khan* synthesised the subsequent jurisprudence, explaining that reasons restrain arbitrary power, demonstrate consideration of relevant grounds and facilitate review; it expressly distinguished genuine reasons from 'rubber-stamp' reasons.²⁹ *East Coast Railway v. Mahadev Appa Rao* similarly connects the administrative record with

²⁷ *Indian Ry. Construction Co. Ltd. v. Ajay Kumar*, (2003) 4 SCC 579; *Reliance Airport Developers (P) Ltd. v. Airports Authority of India*, (2006) 10 SCC 1.

²⁸ *S.N. Mukherjee v. Union of India*, (1990) 4 SCC 594, para 39, AIR 1990 SC 1984.

²⁹ *Kranti Associates (P) Ltd. v. Masood Ahmed Khan*, (2010) 9 SCC 496, para 51.

application of mind.³⁰

Mohinder Singh Gill v. Chief Election Commissioner adds a temporal discipline. An order made on stated grounds is ordinarily judged by those grounds and cannot later be repaired through new reasons supplied in litigation.³¹ This is significant where an algorithmic system is involved. A vendor's later technical explanation may illuminate why a model produced a score, but it cannot by itself prove that the authorised official knew, evaluated or adopted those grounds when making the legal decision.

F. Nature of Judicial Review

Tata Cellular v. Union of India supplies the institutional boundary. Judicial review principally concerns legality and the decision-making process rather than substitution of the court's view on the substantive merits.³² A court applying the doctrine to algorithmically mediated administration therefore need not determine whether a random forest is superior to a neural network or whether a predictive threshold is statistically optimal. It can ask conventional public-law questions: who exercised the power, what material supported the conclusion, whether the authority was free to decide, whether mandatory considerations could be taken into account and whether contemporaneous reasons reveal the judgment actually exercised.

The doctrinal reconstruction yields five evidentiary propositions: judgment must remain attributable to the legally designated authority; that authority must be capable of engaging with legally relevant grounds; it must retain an effective capacity to reach an alternative outcome; the process must permit legally required individual material to affect the decision; and the contemporaneous record must permit identification of the reasons the authority adopted. Section VI converts those propositions into the SDT.

V. ALGORITHMICALLY MEDIATED PUBLIC ADMINISTRATION

The three applications considered in this section are used to test the legal problem across different institutional functions. The comparison does not assume that each system makes an 'automated decision'. Instead, it asks where each system sits in relation to the legally relevant

³⁰ East Coast Railway v. Mahadev Appa Rao, (2010) 7 SCC 678, paras 20-24, AIR 2010 SC 2794.

³¹ Mohinder Singh Gill v. Chief Election Comm'r, (1978) 1 SCC 405, para 8, AIR 1978 SC 851.

³² Tata Cellular v. Union of India, (1994) 6 SCC 651, paras 74-77, AIR 1996 SC 11.

judgment and what the public record does-and does not-reveal about human control.

A. Samagra Vedika: Eligibility Verification and Welfare Administration

Official Telangana material describes Samagra Vedika as an integrated data platform designed to combine governmental records and support more informed administrative decisions, including verification of welfare eligibility.³³ Its continuing administrative relevance is not merely historical: the current Ranga Reddy district housing page states that 2BHK application details are submitted for eligibility verification through Samagra Vedika.³⁴ Public material does not, however, establish that the present technical configuration or workflow is identical to the system documented in earlier investigations.

The best publicly available account of the underlying risk comes from Amnesty International's 2024 technical investigation, which describes the use of entity resolution across multiple databases to identify duplicates, test welfare eligibility and detect suspected fraud.³⁵ Investigative reporting documented cases in which close database matches or incorrectly attributed assets were said to have contributed to adverse eligibility outcomes.³⁶ These accounts are not judicial findings and do not establish systemic illegality. They do identify a legally salient evidentiary problem: an adverse classification may depend on data linkage that neither the claimant nor the frontline official can readily reconstruct.

The constitutional context reinforces the need for a functioning route to individual correction. In the Aadhaar judgment, while upholding the statutory architecture, the Supreme Court emphasised that authentication failure should not itself deprive an otherwise eligible person of benefits and contemplated alternative means of identification.³⁷ That holding is not an

³³ Government of Telangana, Socio Economic Outlook 2020, at 167-68 (2020), https://des.telangana.gov.in/publications/Socio_Economic_2020.pdf; G.T. Venkateshwar Rao, Samagra Vedika-Telangana's Integrated Platform, presentation to World Bank Seminar (Dec. 2019), <https://pubdocs.worldbank.org/en/945071576869997489/GT-Venkateshwar-Rao-Presentation-on-Samagra-Vedika-to-World-Bank-seminar-Dec-19.pdf>.

³⁴ Ranga Reddy District, Government of Telangana, Housing, <https://rangareddy.telangana.gov.in/housing/> (last visited Sept. 7, 2026) (stating that 2BHK application details are submitted for eligibility verification through Samagra Vedika).

³⁵ Amnesty International, Use of Entity Resolution in India: Shining a Light on How New Forms of Automation Can Deny People Access to Welfare (Apr. 30, 2024), <https://www.amnesty.org/en/latest/research/2024/04/entity-resolution-in-indias-welfare-digitalization/>.

³⁶ Tapasya, How an Algorithm Denied Food to Thousands of Poor in India's Telangana, Al Jazeera (Jan. 24, 2024), <https://www.aljazeera.com/economy/2024/1/24/how-an-algorithm-denied-food-to-thousands-of-poor-in-indias-telangana>.

³⁷ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2019) 1 SCC 1, paras 315, 318-19 (judgment dated Sept. 26, 2018).

algorithmic-discretion precedent. It nevertheless illustrates a broader public-law concern relevant to Samagra Vedika: digital verification cannot make contrary evidence or alternative proof legally irrelevant where the entitlement framework requires individual eligibility to be determined.

For the SDT, the material questions are therefore concrete. What record triggered the adverse match? Was the underlying source data visible to the authorised welfare officer? Could the officer reject the match or consider evidence that it was stale, mistaken or attributable to another person? What reasons were communicated to the applicant? The legal issue is not entity resolution in the abstract; it is whether the statutory eligibility judgment remained a genuine administrative judgment.

B. Project ADVAIT and GST Analytics: Algorithm as Decisional Input

Project ADVAIT occupies a different position. The Ministry of Finance states that CBIC rolled out the Advanced Analytics in Indirect Taxes project in 2021, using big data and artificial intelligence to produce reports, interactive dashboards and analytical models. The official description says that these outputs are designed to 'aid and assist' officers in functions including compliance monitoring and detection of tax evasion; the same release describes data analytics as identifying fiscal risks, suspicious trends and risky entities.³⁸

This documented purpose makes ADVAIT a useful control case. Risk identification need not itself constitute exercise of statutory discretion. A model can lawfully prioritise a file or flag a transaction for scrutiny if the officer subsequently evaluates the underlying material, hears the taxpayer where required and independently applies the statutory criteria. The relevant boundary is crossed only if the risk classification becomes a substitute for the legal inquiry—for example, because its grounds are unavailable, departure is institutionally impracticable or the final order simply converts the model output into an adverse conclusion.

The evidentiary focus is correspondingly narrower than in a fully automated determination. A court would need to establish what the analytical output did in the workflow: selection, prioritisation, recommendation or substantive conclusion. It would then examine whether the

³⁸ Ministry of Finance, Government of India, Both Direct and Indirect Tax Departments Employ Data Analytics, Big Data and Artificial Intelligence/Machine Learning in Tax Administration to Make It More Effective, Free of Official Discretion, Business and Taxpayers Friendly, Press Information Bureau (Mar. 27, 2023), <https://www.pib.gov.in/Pressreleaseshare.aspx?PRID=1911271>.

officer obtained the underlying facts and whether the taxpayer's response could displace the initial signal. The mere use of analytics proves neither fettering nor lawful independence.

C. Faceless Income-Tax Assessment: Infrastructure and Substantive Judgment

Faceless income-tax administration shows why a functional analysis must distinguish different automated stages. Departmental material describes an automated allocation system using algorithms, including AI and machine-learning tools, for randomised allocation of cases, and an automated examination tool for standardised examination of draft assessment orders.³⁹ The statutory framework changed on 1 April 2026. Section 273 of the Income-tax Act, 2025 now directly provides for faceless assessment and identifies assessment, verification, technical and review units; existing faceless schemes continue through the transition provisions, while section 144B of the 1961 Act remains relevant to earlier tax years.⁴⁰

Random allocation is primarily administrative infrastructure: it selects which unit receives a case rather than determining tax liability. By contrast, tools used to review or structure a draft assessment can approach substantive judgment depending on their function. Section 273 itself preserves human and institutional decisional roles: assessment units analyse material and determine proposed variations, technical units provide specialised assistance including data analytics, and review units check whether relevant evidence and issues of fact and law have been brought on record. The statutory design therefore distinguishes technical assistance from the assessment function.

Recent writ cases show why the distinction between digital procedure and genuine application of mind is already practical rather than hypothetical. In *M/s Monarch v. National Faceless Assessment Centre*, the Karnataka High Court quashed an assessment where the departmental website showed that the assessee had filed a response and documents, yet the order proceeded on the premise that no reply had been filed; the Court characterised the omission as non-

³⁹ Income Tax Department, Government of India, Faceless Scheme (2026), https://www.incometaxindia.gov.in/documents/20117/42998/Faceless-Scheme_2026-01-21_02-32-56_7beee0_en.pdf/0c28de58-c0c1-f7d6-3792-7d36771002dc; Income-tax Act, No. 30 of 2025, § 273 (India).

⁴⁰ Income-tax Act, No. 30 of 2025, §§ 273, 532 (India); Income Tax Department, Government of India, Objective and Scope of the New Act-FAQs, questions 13, 20-21 (2026), <https://www.incometax.gov.in/iec/foportal/help/all-topics/e-filing-services/objective-and-scope-new-act-faq>. Section 144B of the Income-tax Act, 1961 was the predecessor faceless-assessment provision and continues to govern tax years beginning before Apr. 1, 2026 under the transition rules.

application of mind and a violation of natural justice.⁴¹

The Delhi High Court's decision in *M/s Euro PVC Fabric* is even closer to mechanised decision-making. A GST cancellation order referred to a reply that had not been filed and contained no meaningful reasons. When the State described the order as system-generated, the Court treated that fact as demonstrating non-application of mind and set the order aside.⁴² In *Mudita Express Cargo*, the same Court later criticised repeated use of identical template language and described the impugned order as exhibiting complete non-application of mind.⁴³

None of these decisions establishes a special judicial rule for artificial intelligence. Their importance is methodological. Courts already examine digital records, templates and procedural inconsistencies to determine whether an authorised officer actually considered the case. The SDT systematises that record-based inquiry where the source of potential predetermination is an algorithmic recommendation rather than a defective template or overlooked electronic filing.

Table 1. Functional position of the illustrative administrative applications

Documented application	Primary documented function	Public-law characterisation	Principal evidentiary question
Samagra Vedika	Cross-database matching and welfare-eligibility verification	Potentially strong influence on eligibility judgment	Can the officer and claimant identify, contest and override the data match that drives ineligibility?
ADVAIT / GST analytics	Risk identification, reports, dashboards and analytical models	Decisional assistance / prioritisation	Does the risk output trigger inquiry, or does it become a presumptive substantive conclusion?
Faceless income-tax administration	Automated allocation; automated examination; team-based assessment	Infrastructure at some stages; potential assistance at others	Which automated function affected the merits, and what independent assessment remained with the statutory unit?

⁴¹ *M/s Monarch v. National Faceless Assessment Centre*, NC: 2023:KHC:28126, W.P. No. 15980 of 2021, paras 2-5 (Karn. H.C. Aug. 9, 2023).

⁴² *M/s Euro PVC Fabric v. Principal Commissioner of Goods & Services Tax*, W.P.(C) 349/2024, paras 5-12 (Del. H.C. Feb. 27, 2024).

⁴³ *Mudita Express Cargo Private Limited v. Commissioner of State Goods and Service Tax, Delhi*, W.P.(C) 3078/2025, paras 1-6 (Del. H.C. Mar. 17, 2025).

VI. THE SUBSTANTIVE DISCRETION TEST AS AN EVIDENTIARY FRAMEWORK

The SDT translates the doctrinal propositions in Section IV into questions about the administrative record. It is not a cumulative validity checklist: failure to produce one category of record does not automatically invalidate an order. The relevance and weight of each limb depend on the governing statute, the degree of discretion assigned to the authority, the consequences of the decision and the function performed by the algorithm. The framework's purpose is diagnostic-to establish whether formal human authority corresponds to substantive exercise of legally entrusted judgment.

A. Decisional Provenance

The first limb asks what materially generated the legally relevant judgment. Did the system merely organise information or allocate work? Did it identify an anomaly for investigation? Did it rank applicants, classify risk, recommend an outcome or generate a presumptive determination? What happened after the output reached the official? These questions operationalise the anti-dictation and anti-abdication cases, including *Gordhandas Bhanji*, *Mahadayal Premchandra*, *Purtabpore* and *Anirudhsinhji*.⁴⁴

The relevant records are principally workflow evidence: system documentation describing the function of the output; the particular output shown to the official; routing rules; records of subsequent investigation; and, where available, contemporaneous notes showing how the official used the recommendation. Provenance does not require locating a single metaphysical decision-maker inside a distributed system. It identifies which component supplied the judgment that the statute expected the public authority to exercise.

Applied to *Samagra Vedika*, for example, a database match that merely alerts an officer to a possible disqualifying asset has a different provenance from a match that automatically changes eligibility status before any individual verification. In *ADVAIT*, selection for scrutiny may be infrastructure or assistance, while an unexamined risk score incorporated into the final legal conclusion may indicate a stronger decisional role.

⁴⁴ See *Gordhandas Bhanji*, AIR 1952 SC 16; *Mahadayal Premchandra*, AIR 1958 SC 667; *Purtabpore*, (1969) 1 SCC 308; *Anirudhsinhji*, (1995) 5 SCC 302.

B. Comprehension of Decisional Grounds

The second limb asks whether the authorised official had sufficient access to the legally relevant grounds underlying the algorithmic output to apply an independent mind. This is not a universal demand for source-code disclosure. The doctrinal basis is narrower: *Barium Chemicals* requires a legally relevant foundation for statutory satisfaction, and *Mansukhlal* requires the competent authority to apply its own mind to the material.⁴⁵

The evidentiary question is therefore role-relative. A welfare officer need not understand the mathematics of an entity-resolution threshold, but should be able to identify the source record and eligibility criterion that produced an adverse match. A tax officer need not understand the architecture of an anomaly-detection model, but should be able to identify the transaction, discrepancy or other factual feature that makes further scrutiny legally relevant. An unexplained score may be information, but if the officer cannot connect it to the statutory inquiry, it cannot readily demonstrate application of mind.

Relevant records include the explanation or features presented with the output, underlying factual indicators, manuals that state what the score means, and any contemporaneous request by the official for clarification. A later vendor explanation can illuminate system operation but does not by itself establish that the legal decision-maker possessed the necessary comprehension at the time of decision.

C. Effective Override

The third limb asks whether departure from the algorithmic output was genuinely available. The doctrine against fettering focuses on substantive decisional freedom rather than nominal competence. *Orient Paper Mills*, *Purtabpore* and *Mansukhlal* demonstrate that an authority does not exercise genuine discretion where another mechanism effectively controls the permissible result.⁴⁶

Effective override has four dimensions. Legal authority asks whether the official was permitted to depart. Technical capability asks whether the interface and workflow allowed departure rather than automatically implementing the output. Informational capability asks whether the

⁴⁵ See *Barium Chemicals*, AIR 1967 SC 295; *Mansukhlal*, (1997) 7 SCC 622, para 19.

⁴⁶ See *Orient Paper Mills*, AIR 1969 SC 48; *Purtabpore*, (1969) 1 SCC 308; *Mansukhlal*, (1997) 7 SCC 622, para 19.

official had enough information to recognise when departure might be justified. Institutional practicability asks whether escalation rules, workload, performance metrics or approval requirements made disagreement realistic rather than merely theoretical.

The evidentiary record may therefore include interface instructions, standard operating procedures, approval rules for override, audit logs recording changes to system outputs and aggregate override data where such data exist. A low override rate is not itself proof of fettering; a high-quality system may frequently be persuasive. The legally relevant question is whether disagreement remained a real institutional possibility in the individual decision.

D. Individualised Consideration

The fourth limb asks whether legally relevant circumstances outside the system's representation of the case could affect the outcome. The relevant-considerations jurisprudence prevents an internal administrative mechanism from silently substituting its variables for the considerations that law makes relevant.⁴⁷

This limb is particularly important for eligibility and risk systems because models necessarily operate through selected data fields and categories. If the governing scheme allows hardship, explanation, contradictory evidence, exceptions or other open-textured factors, the administrative process must provide a route through which those matters can influence the authorised decision-maker. A probabilistic database match cannot become legally irrebuttable merely because the technical system lacks a field for contrary evidence.

The records are correspondingly procedural: the information submitted by the affected person, the data available to the officer outside the algorithmic interface, notes showing whether contrary evidence was considered, and the reasons for accepting or rejecting it. In faceless assessment, the High Court cases considered above demonstrate the same principle in a non-AI form: an electronic response cannot be legally irrelevant simply because the final process failed to register or consider it.

E. Reason Ownership

The fifth limb asks whether the authorised decision-maker independently adopted and

⁴⁷ See *Indian Ry. Construction*, (2003) 4 SCC 579; *Reliance Airport Developers*, (2006) 10 SCC 1.

articulated the legally operative reasons for the final outcome. The reasons cases make this evidentiary function explicit. *S.N. Mukherjee*, *Kranti Associates* and *East Coast Railway* connect recorded reasons with application of mind, restraint of arbitrariness and reviewability, while *Mohinder Singh Gill* restricts later reconstruction of an order through new grounds.⁴⁸

An output and a reason are not the same thing. 'Risk score: 87' or 'system status: ineligible' describes a computational conclusion. It does not establish why the statutory authority considered the legal conditions for an adverse decision satisfied. Reason ownership therefore asks whether the official could identify the legally relevant facts, whether those facts were adopted as the basis of the official's own judgment and whether the explanation existed contemporaneously in a form that could be challenged and reviewed.

Evidence includes the speaking order, contemporaneous internal reasons, records of any explanation generated for the official and the relationship between the system output and the final statutory grounds. A technical report produced after litigation begins may help establish a system defect, but it cannot automatically substitute for reasons that the legal authority never possessed or adopted.

F. Evidentiary Matrix and Legal Consequence

Table 2. Substantive Discretion Test: evidentiary matrix

SDT limb	Core judicial question	Indicative record	Linked doctrine
Decisional provenance	What materially supplied the legally relevant judgment?	Workflow rules; model/output shown to officer; routing and action logs	Entrustment; acting under dictation; abdication
Comprehension	Could the officer connect the output to legally relevant grounds?	Underlying factual indicators; explanation shown to officer; system manuals	Application of mind; relevant material
Effective override	Was departure legally, technically and institutionally realistic?	Override permissions; interface rules; escalation requirements; override logs	Non-fettering; independent judgment

⁴⁸ See *S.N. Mukherjee*, (1990) 4 SCC 594, para 39; *Kranti Associates*, (2010) 9 SCC 496, para 51; *East Coast Railway*, (2010) 7 SCC 678, paras 20-24; *Mohinder Singh Gill*, (1978) 1 SCC 405, para 8.

SDT limb	Core judicial question	Indicative record	Linked doctrine
Individualised consideration	Could material outside the model affect the result?	Applicant response; contrary evidence; notes of consideration; exception route	Relevant considerations; procedural fairness
Reason ownership	Did the authority contemporaneously own the legally operative reasons?	Speaking order; internal reasons; contemporaneous decision record	Reason-giving; reviewability; no post-hoc rationalisation

A failure revealed by the SDT does not create a new cause of action. It directs the court to established grounds of review. Provenance may reveal abdication or action under dictation; inadequate comprehension may show non-application of mind; ineffective override may establish fettering; exclusion of individual material may amount to failure to consider relevant matters or breach of procedural fairness; and absent reason ownership may support a challenge based on inadequate reasons or post-hoc rationalisation. The SDT is therefore an evidentiary bridge between established doctrine and a changed administrative architecture.

The source and scope of statutory discretion remain antecedent. Where legislation deliberately automates a calculation or leaves no evaluative choice, some limbs may have little work to do. The framework is strongest where a statute assigns open-textured judgment to a named authority and an adverse decision affects rights, liabilities or access to public benefits. In such settings, the legal system has a reason to ask whether the human designation corresponds to substantive decisional control.

VII. JUDICIAL REVIEW, ADMINISTRATIVE RECORDS AND DISCLOSURE

A. Process Review and the Relation to Proportionality

The SDT is designed to remain within the institutional limits of judicial review. Tata Cellular directs the court toward legality of the decision-making process rather than merits substitution.⁴⁹ The framework accordingly does not ask judges to choose model architectures, determine optimal statistical thresholds or audit predictive accuracy without expert assistance. It asks what the algorithm contributed to the legal process and whether the statutory authority

⁴⁹ Tata Cellular, (1994) 6 SCC 651, paras 74-77.

performed the judgment required by law.

This also distinguishes the SDT from proportionality review. A proportionality analysis can ask whether an interference with a protected interest pursues a legitimate aim, is suitably connected to that aim, is necessary and strikes the required balance. The SDT addresses an antecedent evidentiary question: what decision, by whom, on what contemporaneous grounds, is the court being asked to subject to that standard? The two approaches can therefore coexist. A court may first use the SDT to reconstruct the exercise of discretion and then, where applicable, assess the resulting state action under proportionality or another substantive standard.⁵⁰

B. The Administrative Record and Production of Evidence

Reviewability depends on record preservation. Cobbe, Lee and Singh's framework is useful precisely because socio-technical decisions cannot be reconstructed from the final model output alone.⁵¹ For consequential administrative systems, potentially relevant records include the version of the model or rule set in use, the output presented to the officer, the factual indicators underlying that output, workflow rules, human interventions, override events and contemporaneous reasons.

The SDT does not create a categorical reverse burden of proof. A petitioner should ordinarily identify a credible basis for alleging that an algorithmic system materially entered the challenged process—for example, the language of the notice or order, a portal record, an official scheme description or a disclosed risk classification. Once such involvement is plausibly shown, however, many of the decisive records will be exclusively within the control of the State or its vendor. A court exercising writ jurisdiction can require production of the relevant administrative record rather than treating the petitioner's inability to access internal logs as proof that substantive human judgment existed.

The recent tax cases illustrate the logic in a simpler electronic setting. In *Monarch* the departmental website itself contradicted the premise of the assessment order. In *Euro PVC Fabric* the system-generated order exposed a mismatch between the stated procedure and the actual record. The evidentiary value lay not in technical expertise but in comparison of the

⁵⁰ Anand, Mallika & Charles, *supra* note 20.

⁵¹ Cobbe, Lee & Singh, *supra* note 7, at 598-609.

official record with the reasoning attributed to the decision-maker.

C. Commercial Confidentiality, Vendor Systems and Severability

Government use of proprietary systems creates a further obstacle. Section 8(1)(d) of the Right to Information Act protects commercial confidence, trade secrets and intellectual property where disclosure would harm a third party's competitive position, subject to the statutory public-interest qualification.⁵² That provision does not support a binary choice between complete source-code disclosure and complete opacity. Section 10 expressly permits severance of exempt material from information that can otherwise be disclosed.⁵³

This distinction is practically important. A court may not need source code to determine whether a welfare officer saw the underlying asset record, whether a tax officer could override a risk flag or whether an order contained independently adopted reasons. Less intrusive material-workflow documentation, feature descriptions, individual logs, threshold categories, audit records or confidential judicial inspection-can sometimes answer the legal question while protecting genuine trade secrets. The Samagra Vedika controversy illustrates the problem: requests for technical information encountered proprietary-rights objections, while the public-law concern concerned the effect of those systems on access to welfare.⁵⁴

The appropriate disclosure order should therefore be function-specific and proportionate to the evidentiary issue. The SDT identifies what must be proved; ordinary procedural and information-law principles determine how the court obtains sufficient material to decide it. Vendor contracting cannot, however, be allowed to make the legality of public power inherently unreviewable. Where government chooses to rely on a proprietary tool for a legally consequential judgment, procurement arrangements should preserve access to records necessary for public-law accountability.

D. Remedies

Remedies should track the identified defect. Where an individual order shows non-application of mind or failure to consider relevant material, quashing and remittal for fresh consideration

⁵² Right to Information Act, No. 22 of 2005, § 8(1)(d) (India).

⁵³ Right to Information Act, No. 22 of 2005, § 10 (India).

⁵⁴ Amnesty International, *supra* note 35 (describing unsuccessful attempts to obtain source code and data-format information relating to Samagra Vedika and the invocation of proprietary rights).

may be sufficient. Where the problem is a recurring absence of reasons, inaccessible adverse data or an institutional inability to override, broader directions concerning record preservation, notice, grievance procedures or independent reconsideration may be justified. Only where the architecture itself makes lawful exercise of the statutory discretion impossible does the legality of continued use of the system become the central issue.

VIII. LIMITS AND IMPLICATIONS

The framework does not assume that human discretion is intrinsically superior to computational administration. Human officials may be inconsistent, biased, corrupt or slow; standardisation and analytics may reduce arbitrary interpersonal variation, improve fraud detection and increase administrative capacity. India's tax administration expressly presents analytics and automation as tools for effectiveness and reduction of undesirable official discretion.⁵⁵ The SDT protects legally allocated judgment, not human intuition as an abstract value.

Nor is the SDT a complete theory of algorithmic accountability. Questions of discriminatory impact, privacy, cybersecurity, procurement, model accuracy and substantive fairness may require constitutional analysis, data-protection law, sectoral regulation, technical audit or other legal tools. The framework addresses one narrower problem: whether the public authority that law requires to exercise discretion actually did so.

The approach also avoids turning 'human control' into ritual. The AI Governance Guidelines recognise that direct human oversight may be ineffective in high-speed settings and contemplate automated checks and system-level constraints where appropriate.⁵⁶ The legal requirement must therefore depend on the function assigned by the governing law. If a statute validly authorises automated execution, the relevant safeguards may be systemic rather than case-by-case. If the statute entrusts evaluative judgment to a human authority, a nominal reviewer who cannot understand, alter or explain the system's output does not satisfy the same institutional function.

The main regulatory implication is record design. Systems used in legally consequential administration should be capable of preserving the evidence necessary to show how public

⁵⁵ Press Information Bureau, *supra* note 38; Income Tax Department, *supra* note 39.

⁵⁶ India AI Governance Guidelines, *supra* note 2, at 12, 30-31.

power was exercised: material outputs, legally relevant factual grounds, human interventions, departures, consideration of contrary evidence and contemporaneous reasons. This is consistent with the Guidelines' emphasis on human oversight, audit trails, accountability and enforcement of existing law.⁵⁷ The SDT gives those governance commitments a specifically administrative-law form.

IX. CONCLUSION

Algorithmic administration changes the institutional form of familiar public-law problems. Dictation can occur through workflow rather than a written instruction; fettering can arise from a technically optional recommendation that is practically impossible to reject; application of mind becomes doubtful where the official cannot identify the legally relevant basis of a score; and reason-giving is weakened when a computational output is treated as though it were the authority's own explanation.

The appropriate judicial response is not to classify every governmental algorithm as a new legal decision-maker or to insist that every administrative task remain human. It is to distinguish formal authority from substantive exercise. The SDT-decisional provenance, comprehension of decisional grounds, effective override, individualised consideration and reason ownership-provides an evidentiary method for doing so while remaining anchored in existing doctrine.

Where law entrusts discretionary judgment to a public authority, algorithms may lawfully organise, inform and improve that judgment. What cannot be assumed is that a human signature proves the judgment survived. A reviewing court should be able to follow the administrative record through the socio-technical process and determine whether the legally designated authority actually decided. That inquiry preserves both the administrative advantages of computational systems and the basic public-law requirement that statutory power be exercised through the authority and process that law has chosen.

⁵⁷ India AI Governance Guidelines, *supra* note 2, at 30-32; Ministry of Electronics & Information Technology, *supra* note 2 (Dec. 19, 2025 press release).