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# TECHNOLOGY ENABLED JUSTICE DELIVERY SYSTEM: A CRITIQUE OF POLICY REGARDING USE OF ARTIFICIAL INTELLIGENCE TOOLS IN DISTRICT JUDICIARY INTRODUCED BY THE HONOURABLE HIGH COURT OF KERALA

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## ABSTRACT

Artificial Intelligence (AI) is rapidly emerging as a defining force in judicial modernization, with courts across the world integrating technology to enhance efficiency, access, and transparency. In India, this shift forms part of a broader digital transformation under the eCourts Project, supported by initiatives such as SUPACE and SUVAS. Within this evolving landscape, the Kerala High Court has introduced the *Policy Regarding Use of Artificial Intelligence Tools in District Judiciary*, making it one of the first judicial institutions in the country to formally regulate the role of AI in court functions.

This paper offers a structured overview of the policy, examining its scope, objectives, operational directives, and ethical safeguards. It highlights key strengths, including the policy's emphasis on human oversight, transparency, responsible deployment, and the establishment of a controlled approval mechanism for AI tools. At the same time, the analysis identifies areas that may benefit from further refinement, such as definitional clarity, data governance, accountability pathways, and adaptability to emerging AI developments.

By situating the policy within broader national and global approaches to judicial AI regulation, the article aims to contribute to ongoing conversations on responsible and future-ready AI governance in the justice system. The study ultimately underscores that while AI holds significant potential as an assistive tool in judicial administration, its integration must remain aligned with constitutional values, procedural fairness, and public trust.

## Introduction

There is a rapidly growing consensus that Artificial Intelligence (AI) can revolutionise human existence across spheres in an unprecedented manner perhaps even more profoundly than the rise of machines during the Industrial Age.<sup>1</sup> While there are disparities in how different people understand and define the term Artificial Intelligence, there are certain agreed features that such tools and technologies must exhibit.<sup>2</sup> Fundamentally, AI engages with its environment in ways that resemble human contemplation and decision-making. From a tool that once merely followed fixed codes, it has evolved into a system capable of human-like reasoning. This evolution positions AI as a powerful force capable of reshaping justice systems worldwide.

Across the world, the digitalisation of courts is taking various forms from case and workflow management software to online proceedings. The COVID-19 pandemic not only accelerated but also justified this transformation, inspiring objectives of efficiency and time-saving within justice systems. India, too, is steadily advancing towards large-scale adoption of technology in courts. The eCourts Project,<sup>3</sup> spearheaded by the Department of Justice under the Ministry of Law and Justice and conceptualised by the eCommittee of the Supreme Court, represents a major step towards the digitisation of India's judiciary. Supported by the Ministry of Electronics and Information Technology, it integrates AI to enhance judicial efficiency and accessibility. Notable initiatives include **SUPACE** (Supreme Court Portal for Assistance in Court Efficiency),<sup>4</sup> which aids judges in research and data analysis, and **SUVAS** (Supreme Court Vidhik Anuvaad Software),<sup>5</sup> an AI-driven translation tool. These developments collectively signify India's transition towards a more technology-enabled justice delivery system.

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<sup>1</sup> Allan Dafoe, 'AI Governance: A research agenda' (Centre for the Governance of AI, University of Oxford, 2018) <[www.fhi.ox.ac.uk/wp-content/uploads/GovAI-Agenda.pdf](http://www.fhi.ox.ac.uk/wp-content/uploads/GovAI-Agenda.pdf)> accessed on 21 November 2025.

<sup>2</sup> Darrell West and John Allen, 'How artificial intelligence is transforming the world' (Brookings, 24 April 2018) <[www.brookings.edu/research/how-artificial-intelligence-is-transforming-the-world/](http://www.brookings.edu/research/how-artificial-intelligence-is-transforming-the-world/)> accessed on 21 November 2025.

<sup>3</sup> e-Committee, Supreme Court of India, *Brief Overview of e-Courts Project*, ECOMMITTEE SUPREME COURT INDIA, <https://ecommitteeesci.gov.in/project/brief-overview-of-e-courts-project/> (last visited Nov. 21, 2025).

<sup>4</sup> INDIAai, *Enhancing the Efficiency of India's Courts Using AI*, NATIONAL AI PORTAL INDIA, <https://indiaai.gov.in/case-study/enhancing-the-efficiency-of-india-s-courts-using-ai/> (last visited Nov. 21, 2025).

<sup>5</sup> Press Information Bureau, *Action Plan for Simple, Accessible, Affordable and Speedy Justice* (Ministry of Law & Justice, Aug. 10, 2023), PIB, GOVERNMENT OF INDIA, <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1947490&reg=3&lang=2> (last visited Nov. 22, 2025).

In alignment with these national initiatives, the Kerala High Court has emerged as a pioneer in responsible judicial technology adoption. It recently formulated the “Policy Regarding Use of Artificial Intelligence Tools in District Judiciary”<sup>6</sup> to ensure the careful and ethical integration of AI in judicial functions at the district level. This article takes a closer look at the policy, analyses both its strengths and shortcomings, and proposes recommendations for responsible AI adoption in the judiciary.

## Background and context

### *1. AI in the Indian judiciary*

The Indian Judiciary has been gradually integrating technology to enhance access to Justice, Transparency, And Efficiency. The eCourts Mission Mode Project,<sup>7</sup> launched under the National e-Governance Plan,<sup>8</sup> marked the beginning of a structured digital transformation of courts in India. The Department of Justice, under the Ministry of Law and Justice, is the primary monitoring and funding agency for the eCourts Mission Mode Project, an initiative under the National e-Governance Plan. The Project, which initiated the process of court digitisation in India, began in 2005 and was formally approved by the Cabinet Committee on Economic Affairs in February 2007. The eCommittee of the Supreme Court, established in 2005, comprising judges and invitee members from the Bar and the Government, conceptualised the Project and continues to oversee its implementation in coordination with High Courts and District Courts across the country. In 2019, the Supreme Court constituted a dedicated AI Committee. The Delhi High Court, Patna High Court, Orissa High Court, and the Jammu and Kashmir High Court also set up their respective AI Committees to look into the usage of AI for translation of judicial documents, automation of administration work and for legal research assistance. The Ministry of Electronics and Information Technology (MeitY), the nodal ministry for information technology policy, has

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<sup>6</sup> High Court of Kerala, *Policy Regarding Use of Artificial Intelligence Tools in District Judiciary* (Memorandum, July 19, 2025), [https://images.assettype.com/theleaflet/2025-07-22/mt4bw6n7/Kerala\\_HC\\_AI\\_Guidelines.pdf](https://images.assettype.com/theleaflet/2025-07-22/mt4bw6n7/Kerala_HC_AI_Guidelines.pdf) (last visited Nov. 22, 2025).

<sup>7</sup> Press Information Bureau, *E-Courts Mission Mode Project Approved by Union Cabinet* (Ministry of Law & Justice, Dec. 17, 2024), PIB, GOVERNMENT OF INDIA, <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2085127&reg=3&lang=2> (last visited Nov. 23, 2025).

<sup>8</sup> Comptroller and Auditor General of India, *National e-Governance Plan* (Report No. PC-03, Mar. 31, 2021), <https://saiindia.gov.in/uploads/media/PC-03-National-e-gov-plan-20210331115146.pdf> (last visited Nov. 23, 2025).

supported these developments by constituting four committees to frame a National AI policy. Its draft report identified key applications of AI in the legal domain, *inter alia*, the translation of judgments and the creation of AI-based search systems. Technical assistance for the eCourts Project is provided by the National Informatics Centre (NIC), Pune, while the Centre for Development of Advanced Computing (C-DAC), also under MeitY, serves as an invitee member of the e-Committee.

For the draft vision document of eCourts Project Phase III, the eCommittee collaborated with a subcommittee of experts, policy researchers, and civic tech organisations such as Vidhi Centre for Legal Policy, DAKSH, and Agami. Agami, in partnership with ThoughtWorks, developed OpenNyAI,<sup>9</sup> an AI-assisted platform for generating judgment summaries. It also collaborated with CivicDataLab on the Justice Hub,<sup>10</sup> an open-source repository of legal and judicial data, which further partnered with HAQ to track POCSO cases and with NLU Odisha to promote data-based research. The World Bank's DE JURE Project<sup>11</sup> supports the Development Data Lab,<sup>12</sup> an open judicial data platform sourced from the eCourts database, and also collaborated with Sama,<sup>13</sup> an online dispute resolution platform. Academic institutions such as IIT Delhi, IIT Hyderabad, and IIT Kanpur have developed the Hindi Legal Document Corpus,<sup>14</sup> while IIT Kharagpur and IIT Kanpur have created prototypes for automated case analysis and outcome prediction. The EkStep Foundation launched Anuvaad,<sup>15</sup> a translation platform that supports the Supreme Court's SUVAS initiative for translating judgments into nine Indic languages, and also developed Amar Vasha for the Bangladesh Supreme Court. AI4Bharat, led by IIT Madras, is developing open-source language AI models for Indian languages. ManCorp Innovations Lab developed the Supreme Court's SUPACE platform at no cost and also created tools and chatbots for the Patna and Jharkhand High Courts. It organised a national

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<sup>9</sup>OpenNyAI, OPPENNYAI.ORG, <https://opennyai.org/> (last visited Nov. 24, 2025).

<sup>10</sup> CivicDataLab, *JusticeHub — Law & Justice*, CIVICDATALAB.IN, <https://civicdatalab.in/work/lawandjustice/justicehub/> (last visited Nov. 24, 2025).

<sup>11</sup> World Bank, *Data and Evidence for Justice Reform (De Jure) Program*, WORLD BANK, <https://www.worldbank.org/en/about/unit/unit-dec/impactevaluation/programs/DEJURE> (last visited Nov. 24, 2025).

<sup>12</sup> DevDataLab, DEVDTALAB.ORG, <https://www.devdatalab.org/> (last visited Nov. 24, 2025).

<sup>13</sup> SAMA, SAMA.LIVE, <https://www.sama.live/> (last visited Nov. 26, 2025).

<sup>14</sup> Arnav Kapoor et al., *HLDC: Hindi Legal Documents Corpus*, arXiv:2204.00806 [cs.CL] (May 24, 2024), <https://arxiv.org/abs/2204.00806> (last visited Nov. 26, 2025).

<sup>15</sup> Press Information Bureau, *Action Plan for Simple, Accessible, Affordable and Speedy Justice* (Ministry of Law & Justice, Aug. 10, 2023), PIB, GOVERNMENT OF INDIA, <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1947490> (last visited Nov. 21, 2025).

conference on AI and Judiciary, attended by over 6,000 members of the judiciary and various High Court AI committees. Meanwhile, Jupitice,<sup>16</sup> touted as India's first AI-powered Lok Adalat, serves as a technology partner for the Rajasthan State Legal Services Authority, providing an online dispute resolution interface. In 2022, Omidyar Network India invested in Presolv360<sup>17</sup>, another technology-enabled dispute resolution platform. Building on these national developments, the Kerala High Court emerged as one of the most proactive High Courts in adopting and localising digital innovations within its judicial system.

## 2. Kerala's Judicial Innovation

The Kerala High Court has long been recognised as a pioneer in judicial digitisation in India. Even before the pandemic, it had established its own IT Directorate under the Computer Committee to spearhead e-governance reforms. During the COVID-19 lockdown, the Court's transition to virtual hearings, e-filing, and digital communication ensured uninterrupted access to justice. The experience of operating in a fully online environment accelerated the Court's commitment to developing a natively digital system rather than relying solely on the National Informatics Centre's standardised software. One of the Court's most significant milestones is its in-house Case Management System (CMS), which began with a digital bail module. This module enabled seamless coordination between judges, prosecutors, police stations, and prisons reducing bail processing time from nearly ten days to a few hours. It demonstrated the Court's ability to innovate beyond centrally designed systems and to develop technology suited to local procedural needs. The success of the bail module paved the way for broader digital reforms such as mandatory e-filing, formalised under the Electronic Filing Rules for Courts (Kerala), 2021,<sup>18</sup> and the establishment of eSewa Kendras to assist lawyers and litigants with limited digital literacy. In 2022, the Kerala High Court took another decisive step by operationalising paperless

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<sup>16</sup> Jupitice, *Lok Adalat as a Service*, JUPITICE.COM, <https://jupitice.com/lok-adalat-as-a-service> (last visited Nov. 26, 2025).

<sup>17</sup> Presolv360, PRESOLV360.COM, <https://presolv360.com/> (last visited Nov. 26, 2025).

<sup>18</sup> Govt. of Kerala, Home Department, *Government Order (Rt) No. 1350/2021-Home (Revised)* (Kerala Govt. Order, 2021), [https://prosecution.kerala.gov.in/images/pdf/GO\\_Rt\\_1350-2021-Home\\_revised.pdf](https://prosecution.kerala.gov.in/images/pdf/GO_Rt_1350-2021-Home_revised.pdf) (last visited Nov. 26, 2025).

courts<sup>19</sup> through the integration of Virtual Case Files and real-time document management tools. Judges could access and annotate files digitally, while advocates were encouraged to rely on digital research terminals instead of physical documents. These initiatives enhanced judicial efficiency, transparency, and environmental sustainability while fostering a culture of technological competence within the judiciary. Having achieved substantial progress in court automation and process digitisation, the Kerala High Court has now turned its focus toward the next frontier Artificial Intelligence with the Court's *Policy Regarding Use of Artificial Intelligence Tools in District Judiciary*.

### 3. *Genesis of the Policy*

The Kerala High Court introduced the "Policy Regarding Use of Artificial Intelligence Tools in District Judiciary" in response to the growing influence of AI technologies across various sectors, including the legal field. The Court recognised that while AI offers significant advantages in improving efficiency and accessibility in judicial administration, its unregulated or indiscriminate use may give rise to serious challenges. The court observed that unrestrained use of AI tools can lead to violations of privacy rights, risks to data security, and an erosion of public trust in judicial decision-making. In this context, the Kerala High Court sought to create a structured framework that promotes the responsible and restricted use of AI tools in judicial work. The policy explicitly advises judicial officers and staff to exercise extreme caution in the use of such technologies. Its objective is to ensure that AI is used solely as an assistive tool and strictly for specifically permitted purposes. Under no circumstances shall AI tools be used as a substitute for human judgment, legal reasoning, or judicial discretion. The policy further envisions guiding the judiciary and its staff in complying with their ethical and legal obligations, particularly those related to human supervision, transparency, fairness, confidentiality, and accountability. By articulating these principles, the Kerala High Court has underscored the importance of maintaining judicial integrity and public confidence while cautiously embracing technological innovation.

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<sup>19</sup> Hannah M. Varghese, *Another Milestone: Kerala High Court Goes Paperless* (Jan. 2, 2022), Live Law, <https://www.livelaw.in/news-updates/pride-project-kerala-high-court-goes-paperless-from-january-1-2022-188610> (last visited Nov. 21, 2025).

## Overview of the policy

### Context and objectives

Pursuant to the supreme court's "Design Development And Implementation Of Artificial Intelligence (AI) Solution , Tools For Transcribing Arguments And Court Proceedings At Supreme Court Of India"<sup>20</sup> guidelines issued in September 2024 , wherein the court urged stated to frame their own policies leaving operational details to high courts and inter alia recognising the profound impact that Artificial Intelligence tools are making on diverse fields including law , the Kerala High Court on July 19 , 2025 published its policy regarding use of Artificial Intelligence Tools In District Judiciary ( hereinafter referred to as the Policy) for the responsible and restricted use of artificial intelligence in judicial functions of the district judiciary, making it the first High Court to issue a formally documented and binding set of guidelines restricting use of Artificial Intelligence in District and Subordinate Courts.

The policy has been introduced with the following objectives:

1. To ensure that AI tools are used responsibly; solely as an assistive tool for strictly permitted purposes.
2. To ensure that under no circumstances AI tools are used as a substitute for decision making or legal reasoning.
3. To assist members of the Judiciary and staff in complying with their legal and ethical obligations particularly in ensuring Human Supervision, Transparency, Fairness, Confidentiality, and Accountability at all stages of judicial decision making.

### Scope and application

The policy apply to “All Members of The District Judiciary in Kerala and The Employees Assisting Them in Their Diverse Judicial Work”, the policy also applies to any interns or law clerks working with the district judiciary in Kerala. The policy covers “all kinds of AI tools including but not limited to generative AI tools and databases that use AI to provide access to

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<sup>20</sup> Supreme Court of India, *Tender Document for [Description of Tender]* (2025) (on file with Supreme Court of India),[https://cdn.indiastacklocal.in/assets/uploads/68f9dd1a19cb6draft-tender-document\\_supreme-court-of-india.pdf](https://cdn.indiastacklocal.in/assets/uploads/68f9dd1a19cb6draft-tender-document_supreme-court-of-india.pdf) (last visited Nov. 21, 2025).

diverse resources including case laws and statutes". The policy applies to all circumstances wherein AI tools are either used to perform or assist in the performance of any judicial work irrespective of the location, time and mode of usage as in whether they are used on personal devices, devices owned by the courts or third-party devices.

### **1. Rules on responsible use, data handling, and ethical constraints.**

By clearly demarcating Permitted uses and Prohibited uses, the policy ensures that AI tools are used responsibly. Permitted uses include routine administrative tasks such as scheduling cases or court management, aided by human supervision. the policy explicitly states that "AI tools shall not be used to arrive at any findings, reliefs, order or judgment under any circumstances, as the responsibility for the content and integrity of the judicial order lies fully with the Judges". This principle aligns with global consensus, such as the CEPEJ's Ethical Charter on AI,<sup>21</sup> which highlights the indispensable role of human judgment in adjudication. The policy acknowledges that "Most of the AI tools, including the currently popular GenAI tools such as ChatGPT and DeepSeek, are cloud-based technologies wherein any information input given by the users may be accessed or used by the service providers concerned to advance their interests. Submitting information such as facts of the case, personal identifiers, or privileged communications may result in serious violations of confidentiality. Hence, the use of all cloud-based services should be avoided, except for the approved AI tools." this rigorous stance coupled with usage of only those AI tools approved by the Supreme Court of India or High Court of Kerala (hereinafter referred to as approved tools), ensures that sensitive judicial date and the litigant privacy remain protected at all times. The policy also goes on to acknowledge that most AI tools produce erroneous, incomplete, or biased results and hence, even with regard to the use of approved AI tools to generate Any results including, but not limited to, legal citations or references, must be meticulously verified by the judicial officers. This requirement places emphasis on human oversight and data confidentiality by placing the ultimate responsibility for accuracy on human users thereby mitigating risks associated with AI "hallucinations" and biases. The policy further requires that "Courts shall maintain a detailed audit of all instances wherein AI tools are used. The records shall include the tools used and the

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<sup>21</sup> European Commission for the Efficiency of Justice (CEPEJ), *European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their Environment* (adopted Dec. 4, 2018), <https://rm.coe.int/ethical-charter-en-for-publication-4-december-2018/16808f699c> (last visited Nov. 24, 2025).

human verification process adopted,” promoting transparency and accountability.

## **2. *Emphasis On Capacity Building***

The policy mandates the participation of the members of the judiciary and employees assisting them, in the training programs organised by the Judicial Academy or the High Court on the ethical, legal, technical and practical aspects of AI. This training may help in a better understanding of the benefits, challenges, as well as risks in using diverse kinds of AI tools.

## **3. *Emphasis on Prompt Safety Reviews***

The policy states that if any errors or other issues are noticed in the output generated by any of the approved AI tools, the same should be reported to the Principal District Court promptly and the Principal District Judge shall forward the same to the IT Department of the High Court without delay, so that appropriate safety reviews can be taken by the IT team immediately.

## **4. *Emphasis on enforcement and disciplinary action***

The policy explicitly states that “Any violations of this policy may result in disciplinary action and rules pertaining to disciplinary proceedings shall prevail”, this means that the proceedings for violation of any of the provisions of this policy shall be dealt with in the manner specified under the Kerala Civil Services (Classification, Control And Appeal) Rules, 1960 which prescribes written warnings, suspensions, and demotions or even in certain cases dismissal from service depending upon the severity of the violation.

### **Critical analysis**

1. Kerala High Court’s guidelines are stringent, but limited in scope.<sup>22</sup> It binds “All members of the District Judiciary in Kerala and the employees assisting them” from Trial Judges to Interns, but is silent when it comes to the Kerala High Court itself

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<sup>22</sup> Shailraj Jhalnia, *Bench and Bot — The Kerala HC’s AI Guidelines and the Bigger Judicial Puzzle* (Aug. 5, 2025), SpicyIP, <https://spicyip.com/2025/08/bench-and-bot-the-kerala-hcs-ai-guidelines-and-the-bigger-judicial-puzzle.html> (last visited Nov. 21, 2025).

creating an asymmetry that District Courts may only use “approved AI tools” under close supervision, while High court seems exempt. Judges at those levels have been experimenting with AI. Apart from SUVAS and SUPACE, there are reports of other HC benches consulting chatbots<sup>23</sup> or the SC generating summaries of pleadings.<sup>24</sup> Such asymmetry can undermine faith in the system’s fairness.

Uniform guidelines, perhaps enacted by Parliament or framed by the Supreme Court and Judicial Councils, would prevent confusion and ensure that all Judges, from Chief Judicial Magistrates to the Chief Justice, are equally bound by “Transparency, Fairness, Accountability and Confidentiality” demands.

2. The policy adopts a functional definition of Artificial Intelligence, yet it does not explicitly refer to key attributes such as autonomy or post-deployment adaptiveness,<sup>25</sup> features that form the core of the EU AI Act’s (Regulation (EU) 2024/1689)<sup>26</sup> definition of an AI system. Under the EU framework, an AI system is described as a machine-based system capable of operating with varying degrees of autonomy and potentially adapting after deployment. It further notes that such systems infer from inputs to generate outputs including predictions, recommendations, content, or decisions that may influence physical or digital environments. The EU’s articulation, with its emphasis on autonomy and adaptive behaviour, offers a more nuanced understanding of how AI systems function and evolve, which becomes particularly important when regulating their unpredictable or emergent characteristics.

Future iterations of the policy could benefit from incorporating such elements to address the dynamic nature of increasingly sophisticated AI.

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<sup>23</sup> Ajay Sura, *In a First, Punjab and Haryana High Court Uses ChatGPT to Decide Bail Plea*, Times of India (Mar. 28, 2023), <https://timesofindia.indiatimes.com/india/in-a-first-punjab-and-haryana-high-court-uses-chatgpt-for-deciding-upon-bail-plea/articleshow/99070238.cms> (last visited Nov. 21, 2025).

<sup>24</sup> Vasudha Mukherjee, *Supreme Court to Use AI to Generate Summaries for Pleadings: ACJ Manmohan*, BUSINESS STANDARD (Sept. 20, 2024), [https://www.business-standard.com/india-news/supreme-court-to-use-ai-to-generate-summaries-for-pleads-justice-manmohan-124092000644\\_1.html](https://www.business-standard.com/india-news/supreme-court-to-use-ai-to-generate-summaries-for-pleads-justice-manmohan-124092000644_1.html) (last visited Nov. 21, 2025).

<sup>25</sup> Shailraj Jhalnia, *Bench and Bot — The Kerala HC’s AI Guidelines and the Bigger Judicial Puzzle* (Aug. 5, 2025), SpicyIP, <https://spicyip.com/2025/08/bench-and-bot-the-kerala-hcs-ai-guidelines-and-the-bigger-judicial-puzzle.html> (last visited Nov. 21, 2025).

<sup>26</sup> Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 on Artificial Intelligence (Official Journal of the European Union L 168/1, July 12, 2024), [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L\\_202401689](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401689) (last visited Nov. 21, 2025).

3. Although the policy briefly refers to “learned objectives,” it does not explicitly address the underlying technical mechanisms through which AI systems learn or function.<sup>27</sup> By contrast, other jurisdictions offer more precise formulations. For example, the U.S. judiciary, through the ABA Guidelines,<sup>28</sup> characterises AI as performing tasks using machine-learning techniques for prediction or classification. Likewise, the companion document to Canada’s Artificial Intelligence and Data Act (AIDA)<sup>29</sup> explains AI as enabling computers to learn and execute complex tasks by identifying and replicating patterns within data. These formulations offer clearer technological grounding and help contextualise the regulatory scope.

Explicitly mentioning “machine learning” or “pattern recognition from data” would provide a more complete and technically grounded understanding of the AI systems being regulated, ensuring alignment with the core technological underpinnings.

4. While the policy’s definition of generative AI is suitable for current use cases, the EU AI Act introduces a more expansive notion of a “general-purpose AI model,” defined as one capable of performing a broad range of distinct tasks and being integrated into diverse downstream systems or applications. This framing reflects a wider understanding of generative models not limited to content creation, but encompassing multi-task and adaptable capabilities.

As generative AI evolves to perform more diverse and integrated functions within workflows, considering this broader functional definition could ensure the policy remains comprehensive.

5. Implementing these directives in practice may pose multiple challenges.<sup>30</sup> The requirement of “meticulous verification,” though necessary, will require substantial time, capacity-building, and digital fluency, potentially diminishing some expected

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<sup>27</sup> Shailraj Jhalnia, *Bench and Bot — The Kerala HC’s AI Guidelines and the Bigger Judicial Puzzle* (Aug. 5, 2025), SpicyIP, <https://spicyip.com/2025/08/bench-and-bot-the-kerala-hcs-ai-guidelines-and-the-bigger-judicial-puzzle.html> (last visited Nov. 21, 2025).

<sup>28</sup> ABA Ethics Rules and Generative AI (Mar. 27, 2025), Thomson Reuters Legal, <https://legal.thomsonreuters.com/blog/generative-ai-and-aba-ethics-rules/> (last visited Nov. 21, 2025).

<sup>29</sup> Innovation, Science and Economic Development Canada, *Artificial Intelligence and Data Act (AIDA) – Companion Document*, <https://ised-isde.canada.ca/site/innovation-better-canada/en/artificial-intelligence-and-data-act-aida-companion-document> (last visited Nov. 21, 2025).

<sup>30</sup> Shailraj Jhalnia, *Bench and Bot — The Kerala HC’s AI Guidelines and the Bigger Judicial Puzzle* (Aug. 5, 2025), SpicyIP, <https://spicyip.com/2025/08/bench-and-bot-the-kerala-hcs-ai-guidelines-and-the-bigger-judicial-puzzle.html> (last visited Nov. 21, 2025).

efficiency benefits. Additionally, creating a reliable, transparent, and adaptive process for evaluating and approving AI tools will be essential to ensure both safety and continued technological innovation.

Successful adherence to the policy will also depend on comprehensive training for judicial officers and staff, along with the deployment of secure and resilient technological infrastructure.

6. The policy does not clearly outline how judicial data processed through approved AI tools will be stored, retained, archived, or deleted. While it cautions against sharing confidential information, it lacks explicit protocols on whether AI-generated or AI-assisted outputs are retained, for how long, and under whose authority. The absence of defined retention timelines, deletion obligations, and audit trails creates ambiguity and may expose sensitive judicial data to unnecessary risk particularly in cases involving vulnerable litigants, criminal proceedings, or personal information. Without a transparent and enforceable retention policy, compliance with constitutional privacy standards, including the proportionality test under *Puttaswamy (2017)*,<sup>31</sup> remains uncertain.
7. While the policy states that violations may attract disciplinary action under the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960. This approach focuses primarily on punitive responses rather than preventive accountability structures. The reliance on general service rules does not address AI-specific harms such as inaccurate AI-generated information, biased tool outputs, data breaches, or unintended reliance on non-auditable models.

The policy does not clarify:

- Who is accountable if an AI-generated output influences a judicial process (even indirectly).
- Whether affected litigants or legal stakeholders may challenge the improper use of AI.

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<sup>31</sup> *Justice K.S. Puttaswamy (Retd.) & Anr. v. Union of India & Ors.*, AIR 2017 SUPREME COURT 4161 (India).

- Whether violations will be reviewed by a specialised oversight body with technological expertise rather than general disciplinary authorities.
- How AI tool misuse will be investigated, documented, and reported

Without an AI-tailored accountability and grievance framework, enforcement risks becoming reactive and inconsistent.

## **Conclusion**

The Kerala High Court's AI policy marks an important and responsible step toward integrating Artificial Intelligence into India's judicial system. By clearly limiting AI to an assistive role, requiring human oversight, and prioritising accountability and ethical safeguards, the policy protects the integrity of judicial decision-making while cautiously embracing innovation.

However, Kerala's initiative also underscores the need for a coordinated national approach. A unified framework supported by common standards, approved tools, transparency measures, capacity building, and periodic audits would help avoid fragmented practices across courts and ensure consistent governance. Drawing from global regulatory models, India's future judicial AI policies must remain adaptive, privacy-preserving, and grounded in public trust. If developed and implemented carefully, AI can meaningfully support efficiency and access to justice, while the human judge continues to remain at the heart of the judicial process.