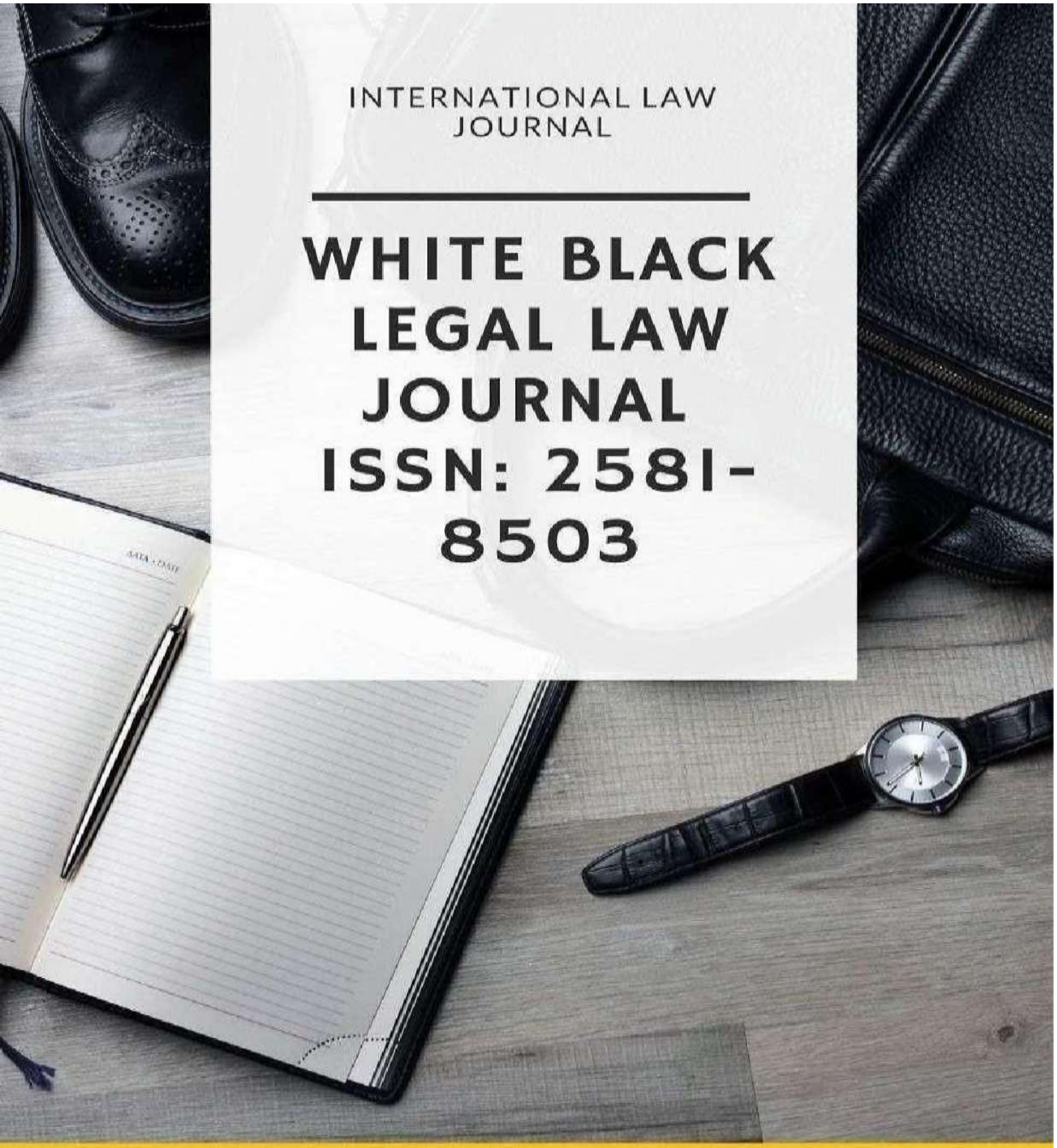

INTERNATIONAL LAW JOURNAL

WHITE BLACK LEGAL LAW JOURNAL

ISSN: 2581-8503

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

ALGORITHMIC JUSTICE AND CONSTITUTIONAL RISK: BIAS, OPACITY, AND THE DIGITAL DIVIDE IN INDIA'S AI-DRIVEN LEGAL SYSTEM

AUTHORED BY - UTKARSHITA PATHAK

How do issues such as bias, lack of transparency, and digital divide in AI applications emerge in AI adoption in India's legal aid and judicial system, and what are the necessary governance reforms required for access to justice?

Abstract

The rapid adoption and integration of artificial intelligence in India's judicial and legal aid systems hold immense promise in addressing the overwhelming backlog. The Supreme Court Vidhik Anuvaad Software, for instance, has been developed to facilitate translations, while the e-Courts Mission Mode Project has been undertaken to increase efficiency in India's legal system, which has been plagued by chronic under-resourcing and procedural complexities (Mishra, 2025). Nevertheless, this revolution in technology has given rise to numerous ethical issues that pose serious questions to the very foundation of justice in India today. For instance, the issue of bias in Ai, arising from training data that reflects historical societal prejudices based on caste, gender, religion, and economic status, has serious implications for equality as enshrined in Article 14 of the Constitution (Kaur, 2025). The lack of transparency in machine learning, which has been characterized as the black box effect, means that it is almost impossible for litigants, lawyers, or judges to understand or question decisions made with the support of artificial intelligence (Javed and Li, 2025). Such problems are further enhanced because of the digital divide, which excludes a significant number of people, especially in rural areas and marginalized sections of society, from accessing or benefiting from AI-based services due to poor infrastructural facilities, lack of digital literacy, and uneven distribution of devices (Solanki & Pareek, 2026). In this context, drawing upon doctrinal legal analysis, critical examination of emerging policy initiatives such as the IndiaAI Mission, and insights from people-centered justice needs assessment among marginalized communities in India (UNDP India, 2025), this paper attempts to explore the ethical challenges in the context of legal aid services and core adjudicative processes. It further attempts to propose a

series of governance initiatives that can help bridge the gap between technological advancement and constitutional values of justice, fairness, and inclusivity. And in fact, without such initiatives, the use of AI may not only fail to provide justice to marginalized sections of society but may further compound existing inequalities and undermine faith in the rule of law.

Keywords: *Artificial Intelligence, Algorithmic Bias, Transparency Deficits, Digital Divide, Legal Aid Mechanisms, Judicial Adjudication, Constitutional Safeguards, Governance Reforms, Equitable Access to Justice*

I. Introduction

The Indian judiciary is passing through one of the most severe crises since independence. The constitutional promise of timely and fair justice for all its citizens is seriously challenged due to the large number of pending cases. It is not a mere statistical problem but a human tragedy where the parties involved, most of whom belong to the weaker and vulnerable sections of society, have to undergo a lengthy period of suffering and hardship for years and even decades before the resolution of the cases. The average age of pending cases in the lower courts exceeds five to ten years. In some cases, the cases have been pending for over a decade, which directly violates the constitutional right to speedy justice enshrined under Article 21 of the Constitution.

Against this background, the role and applications of artificial intelligence technology have assumed significant importance and urgency for judicial administrators and policymakers. The initiatives undertaken by the Supreme Court in using SUVAS technology for multilingual translation of judgments and the phased roll-out of the e-Courts Mission Mode Project, in its third phase with significant budgetary support exceeding seven thousand crore rupees, are examples of strategic planning and policy initiatives for using technology in managing court cases, digitization of court records, virtual court proceedings, and predictive analytics.[1] These developments are also in consonance with the India AI Mission, which provides for budgetary support exceeding ten thousand crore rupees for building indigenous compute infrastructure, data, and talent specifically for sectoral applications including justice delivery.[2]

The potential of AI in the legal industry is in automating the performance of monotonous tasks, accelerating legal research, translating in all 22 of India's scheduled languages, and generating decision-making support which aid in backlog reduction and access improvement for millions.

Throughout the COVID-19 pandemic, virtual court case platforms and AI transcription services have demonstrated the ability to save time and money by allowing legal proceedings to continue without a physical presence of the legal practitioners.[3] Nevertheless, the excitement regarding the implementation of technology should be accompanied by an understanding of the ethical implications of concerns associated with the implementation of technology in a short period.

The Constitution is the supreme document for the implementation of artificial intelligence (AI) in the context of law and justice. Article 14 of the Constitution of India states that every person is equal before the law and entitled to equal legal protection and no law should be applied to a person in an arbitrary or discriminatory manner. Article 21 of the Constitution of India states that every person has the right to individual liberty and that no person shall be deprived of their liberty except in accordance with procedures that are fair, just, and reasonable.[4] Constitutionally, any AI tool that is a part of the court system which may include case prioritization, legal research, or summarization of case briefs must comply with the "right to equality and justice and free legal aid" requirements. Additionally, the State is also obligated to provide equal justice and free legal aid to the

[1] Vartika Mishra, *Artificial Intelligence in the Indian Legal System: Navigating Adoption, Challenges, and Implications*, 1001 ADVANCES SOC. SCI. EDUC. & HUMAN. RSCH. 107 (2026), https://doi.org/10.2991/978-2-38476-555-3_8.

[2] Taruna Solanki & Animesh Pareek, *AI and Technology in the Indian Judiciary: A Step Toward Enhancing Efficiency and Equity*, LEGAL REF. SERVS. Q. (2026), https://doi.org/10.1080/0270319X.2026.2617784.

[3] Id.

[4] Ramandeep Kaur, *Algorithmic Bias and Constitutional Safeguards in the Indian Judiciary: A Critical Analysis of AI Integration in Legal Adjudication*, 8 INT'L J.L. MGMT. & HUMAN. 2210 (2025), https://doij.org/10.10000/IJLMH.1110679.

economically disadvantaged members of society as enumerated in Article 39A of the Constitution of India.

II. Literature Review

In the last 10 years, the academic interest in the intersection of artificial intelligence and the legal systems has changed quite dramatically, from the focus of the role of technology in the legal system, in an administrative and efficiency sense, to the more constitutionally, ethically, and justice oriented concerns. In the early international research on predictive analytics and smart courts in other jurisdictions, there was an early recognition of the potential for substantial administrative and case processing time reductions, but also concerns of bias and accountability.[5] In comparison, the literature on artificial intelligence and the Indian legal system has been predominantly focused on technology and efficiency, including the use of AI translation and case management tools in the e-Courts program.[6]

The literature has now evolved to more of a critical analysis, such as in a thorough analysis of the obstacles to the effective enforcement of the rights enshrined in Articles 14 and 21, where the author argues that AI-driven systems, informed by past data that is biased, will continue to discriminate on the basis of caste, gender, and class in bail and sentencing decisions.[7] The study further clarifies that bias in AI systems is not merely a technical issue, as it constitutes a constitutional violation as soon as it affects state action in the course of judicial processes. Another study, based on highly advanced statistical analyses, such as wavelet quantile correlation with global data sets, has demonstrated that while AI systems can help to reduce bias in medium and long-term applications, they are likely to increase bias in short-term applications due to data set limitations.[8]

Issues of transparency form a parallel stream of research. Several scholars point to the lack of transparency of modern neural networks, where the process of decision-making is obscure even to the experts, thereby contravening the very principles of natural justice and the right to a reasoned decision. For legal aid in India, this translates to the provision of decisions or advice where the legal aid seeker does not understand the process, thereby contravening the very spirit of participatory justice. For instance, the European emphasis on transparency for high-risk applications is often cited as a template, although the applicability of the same to India has to be contextualized to its federal structure, financial limitations, and linguistic diversity[9]. The Oxford Institute of Technology and Justice (2025) substantiates these issues in its study on how the Delhi

[5] Kashif Javed & Jianxin Li, *Bias in Adjudication: Investigating the Impact of Artificial Intelligence, Media, Financial and Legal Institutions in Pursuit of Social Justice*, 20(1) PLOS ONE e0315270 (2025), https://doi.org/10.1371/journal.pone.0315270.

[6] Vartika Mishra, *Artificial Intelligence in the Indian Legal System: Navigating Adoption, Challenges, and Implications*, 1001 ADVANCES SOC. SCI. EDUC. & HUMAN. RSCH. 107 (2026), https://doi.org/10.2991/978-2-38476-555-3_8.

[7] Ramandeep Kaur, *Algorithmic Bias and Constitutional Safeguards in the Indian Judiciary: A Critical Analysis of AI Integration in Legal Adjudication*, 8 INT'L J.L. MGMT. & HUMAN. 2210 (2025), https://doij.org/10.10000/IJLMH.1110679.

[8] Kashif Javed & Jianxin Li, *Bias in Adjudication: Investigating the Impact of Artificial Intelligence, Media, Financial and Legal Institutions in Pursuit of Social Justice*, 20(1) PLOS ONE e0315270 (2025), https://doi.org/10.1371/journal.pone.0315270.

[9] Taruna Solanki & Animesh Pareek, *AI and Technology in the Indian Judiciary: A Step Toward Enhancing Efficiency and Equity*, LEGAL REF. SERVS. Q. (2026), https://doi.org/10.1080/0270319X.2026.2617784.

High Court in Christian Louboutin SAS v. The Shoe Boutique[10] categorically rejected the reliance on ChatGPT responses, noting that responses generated by LLM are in a grey area in terms of accuracy and reliability and cannot replace human intelligence and the humane element in decision-making- a decision that directly points to the lack of transparency in AI.

The digital divide is continually emphasized as a significant structural, as opposed to a superficial, challenge. Various studies have shown how unequal internet penetration, device possession, and literacy rates lead to a multi-layered tiered approach to accessing AI-based services. These studies have shown a disproportionate impact on rural populations, women, Scheduled Castes, Scheduled Tribes, and persons with disabilities. Moreover, studies undertaken from a people-centered perspective in a variety of states have shown that marginalized groups often cite technological inaccessibility as a major cause for non-engagement in formal justice mechanisms, even when such technological tools are available. Such findings highlight the link between bias and non-transparency in decision-making tools, creating a feedback loop in which marginalized groups are underrepresented in the data, thereby reducing the usefulness of such tools for their needs. In short, the literature seems to agree that mere technical modernization is not sufficient. Constitutional conformity, multi-stakeholder accountability, and inclusion strategies are imperative.

III. The Landscape of AI Tools in India's Justice System

The extension of the use of AI tools in the justice system in India has been substantial, with multiple actors in the system, including law and order, prosecution, and the defense. According to the Oxford Institute of Technology and Justice report (2025), the current prominent tools used in the justice system include Adalat AI, SUPACE, SUVAS, Nyaay AI, Lucio, and specialized tools, which collectively provide services ranging from administrative support to prediction and decision support.[11] The need for a critical appraisal of AI tools and their capabilities and risks is all the more pressing with the absence of a unified framework.

SUVAS and the Challenge of Multilingual Justice

The Supreme Court's application of SUVAS for multilingual translation of judgments is perhaps one of the most ambitious attempts to bridge India's enormous linguistic divide in the dispensation of justice. According to findings by the Oxford Institute of Technology and Justice (2025)[12], SUVAS was launched in November 2019 and has already translated more than 31,184 Supreme Court judgments into 16 regional languages including Hindi, Tamil, Marathi, Bengali, and Kannada. However, during its development, one of the most significant challenges was the lack of common

vocabulary in regional languages, which created inaccuracies in translation. As a result, the Bar Council of India is in the process of creating a standardized vocabulary for use in all courts. It must be noted, however, that the translated rulings bear a disclaimer wherein the Supreme Court absolves itself of any liability in case of any mistake, a factor that sparks serious concerns about the accountability of the Supreme Court when mistranslation leads a litigant to believe or understand something wrong. Translation tools like SUVAS, while revolutionary in bridging the linguistic divide, have the potential of injecting subtle biases when the data used has largely been

[10] Christian Louboutin SAS v. The Shoe Boutique, CS(COMM) 583/2023 (Del. 2023).
[11] OXFORD INSTITUTE OF TECHNOLOGY AND JUSTICE, INDIA-AI JUSTICE ATLAS (Univ. of Oxford 2025).
[12] Id.

based on the more popular forms of the Hindi or English languages, thus becoming less accurate or even insensitive when used for tribal languages.[13]

SUPACE and the Boundary of Decision-Support

The Supreme Court Portal for Assistance in Court Efficiency, or SUPACE, marks a much more ambitious step in the provision of AI support in court adjudication. As explained by the Oxford Institute of Technology and Justice (2025), SUPACE is an AI-based tool that assists judges by providing summaries of case files, with the tool consisting of four parts: a file preview system with the capability to transform PDF documents into text, a text and voice-based chatbot system with the capability to provide case summaries and suggest further avenues of inquiry, a logic gate system for the extraction of facts, and finally, a notebook system with the capability for voice dictation. The former Chief Justice of India has confirmed that this tool will not spill over into the domain of decision-making and will only be used as a tool for research. However, the potential of this tool to focus on particular precedents over others, or to provide case summaries and suggest avenues of inquiry, suggests a risk of influencing adjudication without the need for formal transparency.

The lack of transparency that is characteristic of today's artificial intelligence systems presents a great impediment to the rule of law in the legal ecosystem of India. For example, if the AI systems produce summaries of cases and predictions of outcomes without revealing the weightage assigned to each variable, it becomes difficult for the litigants to dispute the logic and show where there might have been errors. Thus, justice is no longer participatory but becomes an enigmatic algorithmic pronouncement.

Adalat AI and Nyaay AI: Commercial Tools in Judicial Spaces

Besides this, other AI-based platforms are increasingly finding their way into India’s judicial system. Adalat AI, a legal tech nonprofit, helps facilitate real-time transcription services in India’s judicial system using AI technology. It helps transcribe witness statements, cross-examinations, judgments, and orders in real time, thus aiding or assisting stenographers in India’s judicial system. It also helps in translation services for statements and judgments in regional languages. Some courts using Adalat AI’s services are reportedly able to reduce case proceedings by as much as 30-50 percent (Oxford Institute of Technology and Justice, 2025). Nyaay AI, another AI-based platform for India’s judicial system, is used by India’s Supreme Court and 16 out of 25 High Courts in India and offers a range of products including defect detection, e-filing automation, case clustering, metadata extraction, bench allocation, headnote generation, real-time transcription, translation in multiple languages, and judgment analysis.

AI in Law Enforcement: Predictive Policing and Facial Recognition

The incorporation of AI in India's judicial system goes beyond the judicial domain and into law and order. According to the Oxford Institute of Technology and Justice (2025), in February 2025, India's Ministry of Law and Justice announced that AI was being incorporated into policing activities in India to improve the detection and investigation of crimes. Delhi Police are using AI image-enhancing technology and facial recognition software, including AMPED FIVE, to enhance

[13] Vartika Mishra, *Artificial Intelligence in the Indian Legal System: Navigating Adoption, Challenges, and Implications*, 1001 ADVANCES SOC. SCI. EDUC. & HUMAN. RSCH. 107 (2026), https://doi.org/10.2991/978-2-38476-555-3_8.

poor-quality images from CCTV cameras and compare them with government and private sector database records, including driving licenses, electoral roll data, and vehicle records. AI technology is also used for predictive policing, where data regarding crime, areas where criminal activities are more common, and criminal behavior are used to take proactive steps in law and order activities. AI incorporation also includes India's Crime and Criminal Tracking Network Systems (CCTNS), e-Prisons, and e-Forensics. These law enforcement practices give rise to serious concerns regarding the potential for surveillance overreach, false positives of facial recognition technology, especially for darker-skinned populations, as the technology has already demonstrated lower accuracy rates for these populations, and the lack of any legal framework governing the use of AI policing. The use of predictive policing tools based on data from previous crimes poses the very serious risk of perpetuating the status quo of over-policing minority communities, thereby creating self-fulfilling prophecies of criminality.

IV. Manifestation of Algorithmic Bias in AI Adoption

Algorithmic bias seems to be the most pernicious form of ethics-related issues in India's AI-based judicial reform because it occurs in an invisible manner in systems that are supposedly designed for impartiality and efficiency. Algorithmic bias occurs at various points in the AI development process, starting from the historical judicial data used for AI model training. Data used for AI model training includes historical judicial data that reflects societal prejudices in India, including higher rates of criminal convictions for certain castes, gender-based discrimination in maintenance and custody cases, and socioeconomic discrimination in civil recovery proceedings. AI models that are trained on this data tend to perpetuate these prejudices and are more likely to discriminate against certain classes of litigants. This may also take the form of bail algorithms facilitated by AI that identify individuals of lower economic backgrounds or lower castes as high-risk of fleeing and detain them longer than necessary, thus infringing on the principles of equality and liberty.

These manifestations also extend beyond criminal justice to civil and family law. Legal aid screening tools that prioritize legal claims according to probabilities of success may de-prioritize claims of customary land rights of tribal communities or domestic violence claims of women living in rural areas if historical data fails to show successful outcomes in such areas.[14] The design of such tools may also add to the problem. The developers may design such tools to optimize aggregate disposal speed and not intersectional fairness. They may inadvertently design metrics that privilege claims of urban residents, the literate, or members of the majority community. The Oxford Institute of Technology and Justice (2025)[15] also points out that the government of India has announced plans to introduce 'robo

judges' to deal with petty crimes and traffic cases. The human judges will use AI to access information and background details of the cases and past orders to deliver faster verdicts. The intention, of course, is efficiency, but the implementation of AI-based decision support systems in even the most mundane of criminal cases without proper auditing of bias risks locking discrimination into the most basic interactions between the citizenry and the state.

[14] Vartika Mishra, *Artificial Intelligence in the Indian Legal System: Navigating Adoption, Challenges, and Implications*, 1001 ADVANCES SOC. SCI. EDUC. & HUMAN. RSCH. 107 (2026), https://doi.org/10.2991/978-2-38476-555-3_8.

[15] OXFORD INSTITUTE OF TECHNOLOGY AND JUSTICE, INDIA-AI JUSTICE ATLAS (Univ. of Oxford
2025).

Moreover, empirical studies based on quantile-based correlation methods have shown that bias effect is more significant in initial phases, where training data is lacking, and this effect can be reduced with continuous auditing and supplementation of diverse data, as discussed in Javed and Li (2025). In fact, in the absence of such measures, this feedback loop will continue to increase, as biased decisions will create more biased data, training further models to be discriminatory, thereby perpetuating discrimination in subsequent generations of cases. Constitutionally, this impacts Articles 14, which prohibits arbitrary classification, and Article 21, which requires fair procedure. In fact, as soon as there is any involvement of AI in any part of the adjudicatory process, even if indirect, it becomes the responsibility of the state to ensure non-discriminatory decision-making.

V. Lack of Transparency: The Black Box Problem

The opacity associated with current artificial intelligence systems presents a formidable barrier to the rule of law in the current legal system in India. The complex deep learning structures used in current AI systems involve information processing via an infinite number of interconnected layers, and the exact mechanism between the input and output is unclear even to the developers. And hence the black box effect of current AI systems conflicts with basic tenets of law, such as the right to be heard, or for meaningful appellate review.[16] With regards to legal systems, AI systems used for case summaries, outcome predictions and case prioritizations may not disclose how much weightage has been provided to each variable, which will make it impossible for litigants to argue or prove a potential error.

The issue takes on acute proportions within legal aid mechanisms. Indigent applicants who depend on AI chatbots for initial counseling or document drafting receive outputs without explanations regarding data sourcing, confidence intervals, or alternative interpretations. That leaves already vulnerable people, who may be dealing with issues such as illiteracy or language barriers, in a position of greater ambiguity and pitfall. The lack of transparency is thus counterproductive to the constitutional mandate of effective not just formal legal assistance under Article 39A. The judicial response to this transparency problem has been illuminating. In Jaswinder Singh v. State of Punjab, the Punjab and Haryana High Court referred to ChatGPT for a wider understanding of bail jurisprudence in cruelty cases but clarified on record that its reference to it was not for the purpose of binding it with respect to the merits of this particular case. Identically, the Manipur High Court also relied on ChatGPT for research in Md Zakir Hussain vs. State of Manipur[17] when information regarding a rule governing essential services was not supplied by the state government without delegating the function to decide. These cases show that even when judges use AI tools voluntarily and transparently, there is no institutional mechanism to record, audit, or review such usage-leaving the influence of AI on judicial reasoning entirely outside the

formal accountability architecture.

In such an environment, accountability dissipates dangerously. Developers invoke proprietary protections, courts disclaim full knowledge of the technology, government agencies signal to their implementation partners, thus, creating a vacuum in which no single entity claims responsibility

[16] Ramandeep Kaur, *Algorithmic Bias and Constitutional Safeguards in the Indian Judiciary: A Critical Analysis of AI Integration in Legal Adjudication*, 8 INT'L J.L. MGMT. & HUMAN. 2210 (2025), https://doij.org/10.10000/IJLMH.1110679.

[17] Md. Zakir Hussain v. State of Manipur, WP(C) No. 70/2023 (Manipur H.C. May 23, 2024).

for erroneous or biased outputs. A significant judicial response to this issue came in Christian Louboutin SAS v. The Shoe Boutique (CS(COMM) 583/2023), where the Delhi High Court rejected a ChatGPT-generated response submitted by the plaintiff as evidentiary backing in a trademark matter. Justice Prathiba M. Singh noted that AI-generated outputs depend on a variety of factors including the nature and structure of the query and the training data, and that accuracy and reliability of AI-generated data is still in the grey area. The Court has held that, at the current level of technological advancement, AI cannot replace either intelligence or humanity in adjudication, and that these tools can only be used for preliminary research at best. This court judgment is clearly a necessary corrective, but it is also an isolated one, which highlights the need for transparency standards that apply across the board.

The end result is a legitimacy issue. When individuals do not perceive the administration of justice as a product of responsible and transparent human organizations, but of opaque machines, they lose trust in the judicial system, particularly those groups who already distrust such organizations in the first place. This means that in addition to technical fixes like interpretable models, we need institutional solutions that make explainability a hard requirement for deployment.

VI. The Digital Divide and Its Impact on Equitable Access

This digital divide is akin to a fault line that has the potential to turn the democratizing promise of AI into another instrument of marginalization within the Indian justice system. While the country as a whole has made tremendous strides in terms of mobile and internet connectivity across its geography, there exist large disparities along the lines of the rural-urban divide, as well as those of gender, caste, class, and disability. There remain millions of citizens across the country who live in areas that remain beyond the reach of good internet connectivity and those who may not have the literacy skills to access AI systems. The latter group includes those populations that need faster access to justice and can only access services such as online filing systems and legal aid chatbots.[18]

This dichotomy is reflected in the judicial sphere as unequal participation. The use of virtual courts, which gained traction during the pandemic and is here to stay, is premised on the availability of stable connectivity and digital literacy, which remain beyond the reach of those living in the hinterlands.[19] The use of AI-based document digitization and e-filing is far more accessible to lawyers in metropolitan cities than to litigants in hinterland areas. The Oxford Institute of Technology and Justice (2025) reports that as of September 2025, Adalat AI had been rolled out in over 3,000 courts across eight states in India. While the expansion of such tools is promising, it is important to distinguish between expansion and accessibility. A court that is assisted through real-time AI transcription is beyond the reach of the rural litigant who cannot afford the cost of traveling to that court. The existing

framework for enabling access to case documents in different languages has remained stagnant for the last seven to eight years, and this is where technology has moved at a rapid pace.

[18] VOLUNTĀS, ENHANCING MEANINGFUL ACCESS TO JUSTICE IN INDIA: A PEOPLE-CENTRED JUSTICE NEEDS ASSESSMENT (UNDP India 2025).

[19] Vartika Mishra, *Artificial Intelligence in the Indian Legal System: Navigating Adoption, Challenges, and Implications*, 1001 ADVANCES SOC. SCI. EDUC. & HUMAN. RSCH. 107 (2026), https://doi.org/10.2991/978-2-38476-555-3_8.

Intersectionality makes the exclusion more intense. Women from patriarchal rural societies may have limited mobile access or digital literacy, whereas the disabled face more interface-related barriers. Tribal populations face more barriers as the official AI tools are not well-equipped to handle tribal languages or cultures. The cost of data consumption and device maintenance also acts as a deterrent for the poor, thus creating a paywall for free legal services. The digital divide also has a reverse effect on the bias issue, as the poor provide fewer data points, thus making the system less sensitive to their experiences.[20]

A notable indicator of the awareness gap concerning digital literacy is the survey conducted by Manupatra Academy from May 9th to May 19th, 2025, which indicated that more than half of the legal professionals surveyed were already using AI tools as part of their operations, while 73.7 percent had already interacted with generative AI applications for work purposes. However, more than half of the surveyed legal professionals had indicated concerns about the barriers to the widespread adoption of AI, including data privacy and security of sensitive client information, as well as the reliability of the content generated by AI tools (Oxford Institute of Technology and Justice, 2025). It must be noted, however, that even legal professionals, being more digitally literate than the average litigant, have already expressed serious reservations regarding the reliability of AI tools as well as the security of data, the concerns of the average citizen must be viewed as more serious.

VII. Specific Impacts on Legal Aid and Judicial Systems

The interplay of bias, opaqueness, and digital exclusion produces a synergistic effect that has a ripple effect on the provision of legal aid services and the very process of justice. For example, the legal aid process, which is supposed to be aided by the introduction of technology to increase access to legal aid services, often incorporates a screening mechanism that inadvertently filters out complex and non-standard cases that are common for marginalized groups. For instance, the automated legal aid service may categorize cases of domestic violence and cases of land dispossession of tribal groups as low-priority cases, thereby denying them legal aid services and keeping them vulnerable for longer.[21] Opaqueness does not allow the applicant to understand and contest the decision, and the digital divide does not allow them to access the legal aid service in the first place. The end result is a legal aid service that, instead of helping more of the intended beneficiaries, helps fewer of them.

Likewise, within the sphere of adjudication itself, similar distortions can arise. The use of AI in the management of cases can speed up proceedings for those cases that can be resolved through such means but may overlook those that involve complex equity issues, such as those concerning environmental disputes for those living in forests or gender-based issues that involve customary law.[22]

The use of predictive analytics for sentencing or parole decisions can involve statistical biases that can build upon human discretion. The use of AI in the e-Courts Phase III initiative, which was sanctioned in 2023 and is to be rolled out to High Courts across the country until 2027,

---

[20] Ramandeep Kaur, *Algorithmic Bias and Constitutional Safeguards in the Indian Judiciary: A Critical Analysis of AI Integration in Legal Adjudication*, 8 INT'L J.L. MGMT. & HUMAN. 2210 (2025), https://doij.org/10.10000/IJLMH.1110679.

[21] VOLUNTĀS, ENHANCING MEANINGFUL ACCESS TO JUSTICE IN INDIA: A PEOPLE-CENTRED JUSTICE NEEDS ASSESSMENT (UNDP India 2025).

[22] Ramandeep Kaur, *Algorithmic Bias and Constitutional Safeguards in the Indian Judiciary: A Critical Analysis of AI Integration in Legal Adjudication*, 8 INT'L J.L. MGMT. & HUMAN. 2210 (2025), https://doij.org/10.10000/IJLMH.1110679.

includes AI technologies and blockchain and requires the establishment of a formal data governance framework for all AI technologies employed within its software applications. However, even though such projects have been rolled out, they are yet to achieve full implementation; thus, the governance framework is yet to catch up to the technology that is currently in use. This sequencing where technology comes first; governance comes later, is precisely the pattern most likely to establish bias and opacity before remedial measures are established.

These consequences challenge the constitutional foundations of justice. The role of legal aid, intended to provide equalization, may become differentiated along technological lines. The neutral and rational process of adjudication may lose legitimacy in the face of decisions that are algorithmically predetermined but unverifiably so. What we experience is not just inefficiency but a nuanced shift in power balances that benefit the digitally savvy and well-endowed. To address this cycle, we need integrated solutions that address issues of bias detection, transparency requirements, and digital inclusiveness in unison under a singular governance paradigm.

VIII. Governance Reforms for Equitable Justice

Therefore, effective governance reforms have to be multi-pronged, institutionally rooted, and dynamically responsive to ensure the achievement of constitutional objectives through the deployment of AI, as emphasized by Kaur (2025). The first requirement of effective governance reforms involving AI must be the establishment of a National Judicial AI Oversight Commission, empowered to conduct pre-deployment bias audits, enforce the requirement of explainability, and resolve complaints regarding the outcomes of algorithmic decision-making. It must comprise experts from the technical, constitutional law, civil society, and marginalized social groups to ensure the presence of diverse voices in the protocols of evaluation, as emphasized by Mishra (2025). Annual reporting on equity metrics, including data on caste, gender, and regions, must be made compulsory.

Second, special legislation, which is provisionally named the Artificial Intelligence in Judiciary and Legal Aid Act, codifying rights-based principles, should be enacted by Parliament. Among the provisions, there would be requirements of human-in-the-loop oversight in any high-stakes decision, a ban on unexplainable models in adjudication, allocation of liability between developers and deploying agencies, and alignment with the existing data protection norms. The law must also provide that periodic impact evaluations based on the equity outcomes in comparison to the constitutional standards be carried out. The regulatory environment is at the moment a patchwork of general and sectoral provisions as opposed to a well-consistent framework. India lacks specific AI laws, but rather local directives are starting to appear as the Oxford institute of technology and justice (2025) confirms. The

Bombay Bar Association issued guidelines in July 2025 described as the first of their kind to govern the ethical and practical use of AI in the judicial process, while the Kerala High Court became the first state to introduce a formal policy on AI use in the District Judiciary in the same month. The Kerala policy bars AI tools from being used for decision-making or legal reasoning, bars the use of unsupervised AI tools, mandates that the AI outputs be checked by humans with legal qualifications, and mandates that the courts maintain a detailed log of all uses of AI tools for a specified period. While these state initiatives, and particularly the Kerala initiatives, are commendable for their novelty they also highlight the absence of national initiatives and the increasingly decentralized and inconsistent regulatory patchwork that is likely to develop in India's federal system.

Third, the legislation with respect to AI used in judicial settings must be enacted and integrated with the existing data protection framework. Fourth, bridging the digital divide requires a national initiative to expand the current infrastructure and build capacities. This would include the expansion of eSewa Kendras to every district, the provision of subsidized smart phones and data services to legal aid beneficiaries, and the introduction of mandatory digital justice literacy programs for schools and communities.[23] Hybrid service delivery models, where the outputs of AI systems are interpreted and provided by paralegal or community service providers, can be used to achieve immediate accessibility while the digital divide is bridged. Fifth, to achieve inclusive design, the participation of end-users and civil society must be institutionalized throughout the process of designing and implementing AI systems. Design committees must include the voices of women's groups, Dalit and Adivasi groups, disability rights groups, and linguistic minorities.

Sixth, there must be development in the judicial and legal education fields, which provide the relevant stakeholders with the necessary ethical and technical skills. In this respect, there has been notable development. In the report published by the Oxford Institute of Technology and Justice (2025), it is noted that the National Judicial Academy, located in Bhopal, had organized a workshop for High Court judges during December 2024, focusing on the use of ICT, including specific sessions on the use of AI. In the case of judicial officers, from April 2025, there has been the provision of AI training, focusing on the processing of case-related information as well as previous orders. Additionally, there has been the inclusion of AI in the professional development courses offered at police training centers. In May 2024, the Bar Council of India had directed all centers of legal education to include the latest technology, including AI, as part of the curriculum. The course on Artificial Intelligence, Law, and Justice offered at the IIT Madras, as part of the Swayam initiative of the government, represents a notable move towards the integration of AI education as part of the legal education curriculum. Importantly, the Manupatra Academy survey revealed that 88.6 percent of legal professionals surveyed rated the need for AI training as crucial. This reveals a high professional need for AI education, which exceeds the availability of such resources. Continuing legal education courses for judges and legal professionals must include bias detection, constitutional aspects of AI, and best practices for the use of AI. Law courses must include AI ethics as a core subject to train the upcoming generation of legal minds to deal with the human-AI hybrid justice systems.

Lastly, the implementation of SDG 16 requires the establishment of strong oversight and review systems. The advancement of annual justice equity indices that include AI-specific indicators and the use of third-party audits can help monitor and evaluate the system to take corrective step.[24]

International cooperation to exchange best practices that can be made suitable for the Indian context can help speed up the learning curve without compromising national sovereignty. Thus, these changes can turn AI into a constitutional asset that can help ensure that progress is achieved without compromising the principles of equal justice.

IX. Conclusion

[23] VOLUNTĀS, ENHANCING MEANINGFUL ACCESS TO JUSTICE IN INDIA: A PEOPLE-CENTRED JUSTICE NEEDS ASSESSMENT (UNDP India 2025).

[24] Kashif Javed & Jianxin Li, *Bias in Adjudication: Investigating the Impact of Artificial Intelligence, Media, Financial and Legal Institutions in Pursuit of Social Justice*, 20(1) PLOS ONE e0315270 (2025), https://doi.org/10.1371/journal.pone.0315270.

The ethical issues with artificial intelligence in India's legal aid system and judiciary, while significant, are neither inescapable nor insurmountable. The issues with algorithmic bias, lack of transparency, and the digital divide each pose different, though interconnected, risks to the integrity of justice delivery, which could convert efficiency-enhancing technologies into exclusionary ones. However, within the very capabilities that create these problems, there exists the solution to them, provided through a rights-based governance framework. Through the establishment of independent oversight, development of all-encompassing legislation, bridging the infrastructure gap, ensuring participatory approaches, reforming education, and monitoring, India can create a new paradigm for judicial AI that truly reflects constitutional principles.

The variety and range of AI technology already in use, from SUVAS and SUPACE in the Supreme Court to Adalat AI in over 3,000 courts, and from AI-based predictive policing to facial recognition in law enforcement, underscore that India's AI in the judicial domain is neither in its infancy nor in an exclusively experimental phase. Rather, it is a living, breathing, and rapidly evolving space in India that is functioning in the absence of the regulatory framework it so urgently needs. The scattered judicial decisions, limited state-level guidelines, and policy pronouncements that presently pass for India's regulatory response are woefully inadequate to address this scale and scope of AI deployment in India.

The impact also concerns the feasibility and legitimacy of democratic structures and the attainment of the SDGs. Thus, what is needed is the political will, the institutional resourcefulness, and commitment to the tenets of constitutionalism. The judiciary must consolidate equity and technology to boost public confidence, remove structural discrimination, and realize the goal of justice.