



SUPREME COURT
ADVOCATES-ON-RECORD ASSOCIATION

AI SUB-COMMITTEE

Comments and Recommendations on the

Draft Regulations for the Use of Artificial Intelligence (AI) in Courts, 2026

Prepared by the SCAORA AI Sub-Committee

JULY 2026

A JUDICIAL REFLECTION ON THE RESPONSIBLE USE OF ARTIFICIAL INTELLIGENCE

“Wisdom and foresight compel us to recognise human vulnerability to seek comfort in delegation, but if thinking is delegated and it forms a habit, it will have serious consequences for the core of human existence, which lies in its capacity to think – to discern the distinction between what is right and what is wrong, truth and falsehood, virtue and vice, dharma and adharma. This capability is neither given nor superimposed by birth, but arises from a deliberate, disciplined, and systematic training of the mind alongside lived experiences; it is a battle of the mind against bewitchment caused by the uncertainties between fact and fiction, what is real and what is unreal, propriety and impropriety, as well as what is just and unjust. This intellectual exercise, coupled with experience and foresight, enables us to choose between competing values, as well as to take hard decisions with courage and conviction, and to bring about a beautiful balance between the need for order and the quest for justice. A struggle to arrive at truth, it is a Saadhana. In fact, the secret is in the Saadhana itself, for without this deliberate, conscious, and continuous practice of scientific temper, we lose the capability to discriminate between what is right and what is wrong. Lose this, and we would have lost everything.”

“It is therefore compelling and necessary to have absolute and total control over the application and usage of AI. The control lies in being two steps ahead of its application and in making deliberate choices about when and where to apply. We are aware that this is not an issue that can be resolved through judicial orders and declaratory judgments, but only through Public Policy and enforceable Rules and Regulations. We are also aware that the process has commenced, the Regulations are being deliberated, and they will be notified after due process and in due course. The real success is, however, not in the making of the Rule or Regulation, but to be found in the power of the will of the Bar as well as the Bench, to harness this science and apply it with care and caution. No other facet of law and its practice has ever demanded a higher and deeper corroboration and coordination between the Bar and the Bench than the need to identify, decide, and apply AI to adjudication and the determination of disputes.”

SUPREME COURT OF INDIA

Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd.

Civil Appeal No. 11950 of 2025

(Per Justice Pamidighantam Sri Narasimha and Justice Alok Aradhe)



MESSAGE FROM THE PRESIDENT

The arrival of Artificial Intelligence in the administration of justice is among the most consequential shifts our Courts have faced in living memory. The Draft Regulations for the Use of Artificial Intelligence (AI) in Courts, 2026 are, in that setting, a timely and welcome step, and I record at the outset that the Supreme Court Advocates-on-Record Association (SCAORA) endorses the objective that animates them. That such a framework is being deliberated at all, before the technology settles into the daily work of filing and adjudication, reflects a foresight for which the Hon'ble Committee deserves credit.

SCAORA's support, however, rests on a settled conviction. The promise of this technology will be realised only if the human being remains at the centre of every process it touches, whether that person is the litigant who comes seeking relief, the advocate who prepares the cause, or the judge who decides it. The reason was put with rare clarity by the Hon'ble Chief Justice of India, Justice Surya Kant, in his keynote address on "Technology in the Aid of the Legal Profession: A Global Perspective" at the annual conference of the Bar Association of Sri Lanka in October 2025:

"Artificial intelligence may assist in researching authorities, generating drafts, or highlighting inconsistencies, but it cannot perceive the tremor in a witness's voice, the anguish behind a petition, or the moral weight of a decision."

The comments and recommendations that follow are offered in that spirit. Their object is to see the technology adopted with care, so that the gains it brings in speed and reach are not won at the expense of the qualities that give a judicial decision its authority.

I would be failing in my duty as President of this Association if I did not add a further word of caution, and it concerns the youngest members of the Bar. The work that Artificial Intelligence now performs so readily, meaning the first round of research and the opening draft, is the very work through which a young lawyer learns the craft. Whether these tools will displace such work or merely quicken it remains an open question. What is far less doubtful is that, if these tasks pass wholesale to a machine, the apprenticeship that has always travelled with them passes too. A profession that ceases to train its juniors is hollowed from within, one generation at a time, and the cost becomes visible only years later, when the seasoned hand that should have been formed is not there to take up the work.

There is a telling parallel in the science of the technology itself. Researchers have shown that when a generative model is trained again and again on material produced by other models, rather than on fresh data drawn from the real world, its output decays, as the rare cases drop away first and the range of what the system can produce keeps narrowing until it fails. The literature calls this "model collapse" (Ilia Shumailov and others, "AI models collapse when trained on recursively generated data," *Nature*, vol. 631, pp. 755 to 759, 2024). A Bar that trains each new generation on the output of machines, in place of the discipline of doing the work, courts a collapse of its own.

This calls for honest introspection, and for a practical answer alongside it. The Draft Regulations already provide for institutional capacity building and training (Chapter VIII, Regulations 49 to 51), which SCAORA addresses in Chapter IX of these comments. I would urge the Court to go further at this formative stage and to design structured courses, in partnership with universities and academic institutions, that train young lawyers to command these tools with judgment. The next generation should then enter the courtroom already fluent in Artificial Intelligence, equipped to put it to work in the service of their clients and the Court.

These comments are the product of close study by the Association's AI Sub-Committee, whose members have given their time and expertise without reserve. They are submitted in a constructive spirit, in the tradition of coordination between the Bar and the Bench that the Supreme Court itself commended in *Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd.*, and in the hope of refining the Draft Regulations before they take effect.

I place this report before the Hon'ble Committee, and before all who care about the shape of justice in the age of Artificial Intelligence.



Devvrat
President

Supreme Court Advocates-on-Record Association



MESSAGE FROM THE VICE PRESIDENT

Artificial Intelligence offers significant potential to improve filing, case management, defect scrutiny, translation, transcription, legal research and other administrative work. However, building a sound regulatory framework poses significant challenges owing to the nature of the technology. Before defining the contours of regulation, such as its applicability, prescribed uses, prohibited uses, governance mechanism and capacity building, it is important to understand the limitations of the technology. In our report, we have flagged four significant concerns in this regard, namely (i) AI is not explainable and does not reason like a lawyer; (ii) AI suffers from the black box paradox; (iii) AI cannot reason but only mimics reasoning; and (iv) hallucinations in AI pose a material risk.

Significantly, the Draft Regulations for the Use of Artificial Intelligence in Courts, 2026 recognise these limitations of AI and are thus an important step towards governing and optimising the use of AI within the judicial ecosystem. I thank the Supreme Court's Artificial Intelligence Committee for calling for a wide consultation on the Draft Regulations before actual implementation. As the use of AI directly affects court procedures and the professional responsibilities of Advocates-on-Record, SCAORA is an essential stakeholder in this process. On behalf of SCAORA, we have endeavoured to meaningfully engage with the Draft Regulations and to offer constructive solutions. Like Virtual Hearings, the implementation of Artificial Intelligence is among the most important developments in the history of judicial administration in India. A proper implementation of AI will truly achieve the dream of paperless e-Courts in India. This requires a regulatory framework that is robust yet modern, one that fosters innovation while remaining grounded in values.

I commend the SCAORA AI Sub-Committee for its diligent efforts throughout the court vacation. I hope that this report will assist in formulating a balanced and future-ready framework for the responsible and optimal use of Artificial Intelligence in the Indian judicial corridors.

A handwritten signature in blue ink, appearing to read 'Nikhil Jain', written over a horizontal line.

Nikhil Jain

Vice President, SCAORA



MESSAGE FROM THE HONORARY SECRETARY

With a deep sense of responsibility to the institution of the Supreme Court of India, to the members of the Bar, and to litigants, the Supreme Court Advocates-on-Record Association ("SCAORA") presents this chapter-wise report on the Draft Regulations for Use of Artificial Intelligence in Courts, 2026 ("Draft AI Regulations") proposed for the Supreme Court of India.

Any regulatory framework governing the deployment of Artificial Intelligence ("AI") within the judicial ecosystem will bear directly on the Bar and its everyday functioning, particularly in dealing with the Registry. SCAORA is therefore not a passive observer of this exercise; it is a stakeholder with a direct interest in how these Regulations are ultimately framed.

Throughout this report, the Association has sought to strike a balance, neither dismissive of what AI can offer nor uncritical of its risks. Well-designed AI systems clearly have the potential to widen access to justice, ease case-flow management, open up jurisprudence across languages, and help both the Bench and the Bar cope with the sheer volume of litigation that Indian courts witness. However, that potential comes with an important caution: deploying opaque, "black box" systems in judicial and administrative functions before they are properly tested risks eroding due process, fairness, accountability, confidentiality, and, ultimately, public trust in the justice system. In this light, SCAORA respectfully urges that the Draft AI Regulations, 2026 be finalised in a manner that:

- (i) preserves human primacy and judicial independence, with meaningful human-in-the-loop and human-on-the-loop safeguards;
- (ii) embeds a robust, inclusive, and accountable governance structure with formal representation of the practising Bar;
- (iii) adopts a clearly precautionary, phased, and risk-sensitive approach to deployment;
- (iv) does not saddle members of the Bar with additional or unrealistic burdens arising from incorrect, opaque, or over-enthusiastic deployment of AI systems in court processes; and
- (v) ensures that the deployment of AI in the Supreme Court strengthens, rather than dilutes, confidentiality, the rule of law, and the rights of every litigant who approaches this Court for justice.

In conclusion, I would like to emphasise that applying law to facts is, and must remain, a human function, not a machine one. AI systems do not reason or exercise moral judgment in any sense that a human would recognise; they produce outputs by recognising patterns in data. That said, the use of AI is inescapable, the technology is already here. Therefore, the real responsibility rests with legal professionals themselves to ensure that AI supports independent legal reasoning and careful application of mind, rather than substituting for either. The Draft AI Regulations get this right in principle with their emphasis on a "human-in-the-loop" approach. As AI is progressively integrated into court processes, members of the Bar will need to ensure genuine human supervision at every stage while remaining personally accountable for the positions they advance and the documents they file.

To this end, SCAORA intends to help its members build the knowledge and skills that this moment calls for through training programmes and continued discussions, so that the profession's technological advancement keeps pace with its ethical and professional standards.

Before I conclude, I would like to place on record SCAORA's heartfelt acknowledgement of the contribution of the SCAORA AI Sub-Committee in preparing this report, in particular the guidance of Dr. Charu Mathur, Advocate-on-Record and Advisor appointed by the Executive Committee of SCAORA, and the sustained efforts of Mr. Rajat Mittal, Convenor of the AI Sub-Committee, in coordinating the Committee's deliberations and bringing its recommendations together.

I sincerely hope that this report, together with close collaboration between the Bar and the Bench, will ensure that Artificial Intelligence is used as a careful aid to justice, and never as a substitute for human judgment.



Yugandhara Pawar Jha

Honorary Secretary
Supreme Court Advocates-on-Record Association

COMPOSITION OF THE AI SUB-COMMITTEE

The comments and recommendations in this report were prepared by the SCAORA AI Sub-Committee, constituted as follows:

Ex-officio Chairperson	Mr. Devvrat, <i>President, SCAORA</i>
Ex-officio Co-chairperson	Mr. Nikhil Jain, <i>Vice President, SCAORA</i>
Ex-officio Co-Chairperson	Yugandhara Pawar Jha, <i>Honorary Secretary, SCAORA</i>
Senior Members	Ms. Charu Mathur (<i>Advisor appointed by the Executive Committee, SCAORA</i>) Pallavi Barua (<i>Joint Treasurer, SCAORA</i>)
Convenor	Rajat Mittal
Members	Nivedita Nair Meenakshi Kalra Anas Tanwir
Contributors	Virag Gupta Asha Gopalan Nair Milind Kumar Omparkash Parihar Siddharth Sharma Talha Abdul Rahman Sneh Suman Rolly Shukla Aakarashan Aditya Dr. Abhishek Atrey Ameyavikrama Thanvi Meenakshi Chauhan

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ABBREVIATIONS

The following abbreviations are used throughout this report:

Abbreviation	Expansion
ADM	Algorithmic Decision-Making
AI	Artificial Intelligence
AOR	Advocate-on-Record
CDMC	Case and Data Management Committee
CET	Controlled Environment Testing
CJI	Chief Justice of India
CoRE-AI	Centre of Research and Excellence on Artificial Intelligence
DPDP Act	Digital Personal Data Protection Act, 2023
e-SCR	Electronic Supreme Court Reports
EU	European Union
GDPR	General Data Protection Regulation
HITL	Human-in-the-Loop
HOTL	Human-on-the-Loop
IT Act	Information Technology Act, 2000
NIST	National Institute of Standards and Technology
SCAORA	Supreme Court Advocates-on-Record Association
SCC	Supreme Court Cases
SUPACE	Supreme Court Portal for Assistance in Courts Efficiency
SUVAS	Supreme Court Vidhik Anuvaad Software
TEIA	Technical and Ethical Impact Assessment
UNESCO	United Nations Educational, Scientific and Cultural Organization

EXECUTIVE SUMMARY

SCAORA welcomes the initiative to regulate the use of Artificial Intelligence in the Courts. Advocates-on-Record, as the class of practitioners authorised to act before the Supreme Court under Article 145 read with the Supreme Court Rules, 2013, are indispensable stakeholders in any framework that touches case preparation, filing, e-scrutiny and listing. These comments are offered constructively, in the spirit that the success of AI framework lies in the coordination between the Bar and the Bench.

Chapter I sets out SCAORA's general concerns and a clause-by-clause critique of the foundational provisions (Regulations [4](#), [7](#), [8](#), [10](#), [14](#), [15](#) and [17](#)), including automation bias, the contradiction within the explainability requirement, and data-sovereignty risks.

Chapter II examines the foundational and constitutional questions, chiefly the source of the regulation-making power, the position of the High Courts, and the scope of application under Regulation [2](#).

Chapter III reviews the definitions in Regulation [3](#) and recommends that several over-broad or ambiguous definitions, including 'adjudicatory function', 'Court Data', 'AI Service Provider' and 'explainability', be tightened.

Chapter IV addresses the permissible and prohibited uses of AI (Regulations [18](#) to [21](#)).

Chapter V analyses the governance structure, and flags inadequate representation of the Bar, excessive bureaucracy, and overlapping jurisdiction as a major concern.

Chapter VI deals with oversight, audits and incident management (Regulations [35](#) to [45](#)).

Chapter VII considers procurement and private-sector engagement (Regulation [46](#)), and the safeguards required where private vendors are involved.

Chapter VIII addresses the relationship with data protection and privacy, the interface with the DPDP Act, 2023, the Puttaswamy standard, the Data Fiduciary and Data Processor roles, grievance redressal, and the question of liability and enforcement.

The detailed recommendations at the end of each Chapter are intended to assist the Hon'ble Committee in refining the Draft Regulations before implementation.

CHAPTER I: GENERAL CONCERNS RELATING TO THE USE OF ARTIFICIAL INTELLIGENCE IN THE SUPREME COURT

1. Locus of SCAORA as a necessary stakeholder

Under Article 145 of the Constitution of India read with the Supreme Court Rules, 2013, Advocates-on-Record (AORs) are the exclusive class of practitioners authorized to plead, file, and act before the Supreme Court of India. Because use of Artificial Intelligence in the Supreme Court of India directly impact the core functions of the Bar like case preparation, digital filing, e-scrutiny, etc., the Supreme Court Advocates-on-Record Association (SCAORA) is an indispensable stakeholder. It is worth recalling the wisdom enunciated recently on the use of Artificial Intelligence by the Supreme Court recently, in the case of *Pooja Ramesh Singh Vs. Jammu & Kashmir Bank Ltd. [Civil Appeal No. 11950 of 2025]*, wherein it is held:

The real success is, however, not in the making of the Rule or Regulation, but to be found in the power of the will of the Bar as well as the Bench, to harness this science and apply it with care and caution. No other facet of law and its practice has ever demanded a higher and deeper corroboration and coordination between the Bar and the Bench than the need to identify, decide, and apply AI to adjudication and the determination of disputes.

In light of the spirit of the aforesaid judgment of the Hon'ble Supreme Court, SCAORA presents the comments on the Draft AI Regulations, 2026 with an open mind and objective of contributing meaningfully to the proposed framework. Notwithstanding the fact that technological innovation holds the potential to improve the working of judicial administration in the country, SCAORA believes that the deployment of Artificial Intelligence in Supreme Court warrants a cautious approach, particularly where such systems directly impact a litigant.

The cautious approach is necessary as the present state of AI technologies continues to raise significant concerns relating to reliability, explainability, accountability, transparency, and institutional oversight. Some of these concerns have also been highlighted in the Draft AI Regulations itself.

Accordingly, SCAORA respectfully submits that any large-scale deployment of AI systems within the judicial process should be subjected to rigorous testing, building safeguards (that haven't evolved fully yet).

The comments that follow are intended to assist the Hon'ble Committee in identifying areas where the Draft Regulations may benefit from further consultation before actual implementation.

2. Technical critique: what artificial intelligence is not

To build a sound regulatory framework on Artificial Intelligence, the regulations must reflect the real limitations of the technology. SCAORA flags four fundamental concerns in this regard:

- **Artificial Intelligence is not explainable:** Regulation 7 of the Draft AI Regulations mandates explainability as the foundational principle governing the deployment of Artificial Intelligence within the judicial ecosystem. The provision requires that the output generated by AI System should be capable of being understood and, where appropriate, explained to judicial officers, litigants and the public. The Regulation proposes greater scrutiny on the deployment of opaque systems. SCAORA appreciates the objective underlying Regulation 7. However, the concept of "explainability" as employed in the Regulation may not fully reflect the technical realities of the contemporary AI system. Traditional legal reasoning is capable of backward examination because one can identify the facts considered, the legal rules applied, and the reasoning that led to a conclusion. The explanation is thus a record of the actual reasoning that led to the decision. However, contemporary AI systems function quite differently. When such a system produces an output and is thereafter asked to explain the logic behind the output, the explanation furnished is another output. It is not necessarily a record of the actual internal process by which the output was generated, which contrasts with judicial reasoning. The system does not disclose a recorded chain of reasoning in the manner that a judge or a lawyer can. A decision that arrived solely by use of Artificial Intelligence is thus a nullity for the same reason, any order/ judgment is nullity for failure to record the reason.
- **Artificial Intelligence suffers from the Black Box paradox:** As discussed while elaborating on the concept of explainability, the conclusions arrived at by the modern AI systems are not produced by way of step-by-step reasoning which can be verified by human beings. The output is generated from the interaction of a vast neural network consisting of millions or billions of interconnected elements. There is nothing like fact A, legal principal B and conclusion C. This is what is referred to as Black Box paradox and no AI system is immune from it. Further, even if the complete internal workings of the model were made available, it is impossible for human to review and trace a particular answer through numerous mathematical interactions. The

challenge therefore lies in the nature of the technology itself. Therefore, no regulatory framework can impose standards of explainability analogous to those expected from courts, tribunals and public authorities.

In fact, Regulation 3(1)(n) acknowledges that certain AI systems employ techniques whose internal processes and decision-making logic are not transparent, comprehensible, or capable of explanation. The Draft therefore recognises black box paradox of AI system. At the same time, Regulation 8 provides that accountability for all decisions made with AI assistance shall rest exclusively upon the concerned officer and the opaqueness of a Black Box system is not a defence. SCAORA welcomes that ultimate accountability for any judicial and administrative action must remain with human decision makers, but we cannot be completely oblivious to the reality that due to black box, the reasoning process of AI system is incapable of comprehension or explanation. If the person is incapable of understanding or evaluation and then on what is the basis on which we are going to hold him accountable. The Draft AI Regulations have to grapple with this reality.

- **Artificial Intelligence mimics reasoning but cannot reason:** Juridical reasoning relies on human judgment and a deep understanding of justice. AI merely identifies statistical patterns in historical datasets to generate predictive or fluent text. It lacks any capacity for independent human evaluation.
- **Hallucinations in AI System presents a material risk:** The Draft Regulations themselves recognise "hallucinations"¹ risk. The errors due to hallucination are recognised characteristic of present-generation AI systems. Unlike ordinary computational errors, hallucinations appear coherent, persuasive, and authoritative on their face, making them difficult to detect without independent human verification. Consequently, an AI-generated output may confidently present a non-existent precedent. Recently, in the case of ***Pooja Ramesh Singh Vs. Jammu & Kashmir Bank Ltd. [Civil Appeal No. 11950 of 2025]*** the Hon'ble Supreme Court of India spelled the consequences of hallucination:

6. At the same time, it is necessary to clarify the position of law regarding a certain trait in AI's responses, a tendency to generate nonexistent, fake, or hallucinated results when replying to a prompt. We are neither concerned with the cause nor with the process of resolving such hallucinations; it is for the engineers and scientists to deal with them. For us, i.e., for those in the province of adjudication and determination of disputes, this by-product of

¹ Regulation 3(1)(z) read-with Regulation 8(1) of the Draft AI Regulations, 2026

AI, i.e., the production of fake, non-existent, and hallucinated material and its utilization as precedents in law, is like the release of methyl isocyanate in the province of law and justice: invisible, insidious, and catastrophic by the time anyone notices. It not only contaminates but takes away the very lifeblood of judicial determination.

7. It is necessary for Courts to adopt a zero-tolerance mode for producing, citing or using AI-generated precedents without verification. It is a misconduct on the part of an advocate to cite such judgments without verification. Equally, it is a serious lapse if a judge relies on such fake or hallucinated AI-generated material as precedents in support of the determination. We have no hesitation in declaring that such a decision is no decision in the eyes of the law, irrespective of whether such material had a direct or indirect bearing on the decision-making. Such decisions are to be set aside even if an iota of fake or hallucinated material enters the decision-making process, as it would violate the sanctity of adjudication. It is necessary to maintain integrity in decision making, and we reiterate and declare zero tolerance for the Bar as well as the Bench to cite, refer to, or rely on such material. It is also clarified that our judgment shall have no bearing on the rightful use of AI, but on the presentation or reliance on fake or hallucinated material as if it were a court precedent.

8. We are aware that mere declaration of prohibitory action is not sufficient; there must be consequential action following accountability.

9. So far as the responsibility of the bar is concerned, we direct the Bar Council of India, being the apex statutory body, to constitute a committee and deliberate on this issue of members of the bar submitting such fake and hallucinated material before the Court as if they are precedents of law. The Bar Council must take up this issue with utmost seriousness, deliberate earnestly, and prescribe a guiding principle to prevent such occurrences, along with the disciplinary action that will follow a violation of the norms.

More than the inevitable consequence of setting aside such judgments, what is significant for our decision-making is our resolve to adopt AI technology in aid of adjudication, while at the same time asserting and declaring total and absolute control over adjudication, with a human in the loop at every stage.

...

17. Judicial process and the judgment under challenge are tainted by the usage of materials which are said to be precedents, but in reality, they are unreal, fake, and do not exist at all. A decision of a Court or an adjudicating

authority based on material which is fake and hallucinated is no decision at all, and it amounts to subversion of the rule of law. Such a decision is unsustainable and has to be set aside at the earliest.”

The principle enunciated by the Hon’ble Supreme Court have to be taken seriously and before employing the AI System in the judicial administration, it is important (i) to acknowledge that AI System will hallucinate, (ii) therefore, output or for that matter the process of generating output has to have mandatory human-in-the-loop and human-on-the-loop.

3. Clause-by-clause critique

3.1 Human primacy and judicial bias (Regulation 4)

Regulation 4 proclaims that AI shall remain strictly subservient to human judgment and function solely in an assistive capacity. SCAORA notes that human primacy in the context of full-scale deployment of AI in the Supreme Court might just be ineffective due to the proven cognitive risk of 'automation bias'. Extensive research including path-breaking contributions by Nobel Laureate Daniel Kahneman regarding cognitive biases shows that human operators consistently defer to machine outputs when working under heavy caseloads, fatigue, or time pressure. This risk is aggravated by Regulation 8(3), which creates an escape route allowing court officers to dispense with verification requirements simply by recording reasons in writing. Once automated legal research and workflow management tools become embedded in judicial infrastructure, reversing or second-guessing their outputs becomes organizationally difficult.

3.2 Inherent contradictions in Regulation 7

Regulation 7(1) & (2) of the Draft AI Regulations requires high standards of transparency and explainability, and mandates that decision logic be capable of being understood by the public. However, Regulation 7(3) completely contradicts this principle by explicitly permitting the deployment of systems that are 'opaque or incapable of explanation' subject only to 'heightened scrutiny'. SCAORA noted that the text of Regulation 7 fails to provide any criteria or definition for what constitutes a '*high standard*' of transparency or what is a '*high-risk application*'.

3.3 Liability under Regulation 8

Regulation 8 provides that accountability for all decisions made with AI assistance shall rest exclusively upon the officer concerned and the opaqueness of a Black Box system is not a defence. SCAORA welcomes that ultimate accountability for any judicial and administrative action must remain with human decision makers, but we cannot be completely oblivious to the reality that due to black box, the reasoning process of AI system is incapable of

comprehension or explanation. If the person is incapable of understanding or evaluation and then on what is the basis on which we are going to hold him accountable. The Draft AI Regulations have to grapple with this reality.

3.4 The boundary between administrative and adjudicatory functions

The draft regulations assume a clear distinction can be maintained between administrative and adjudicatory functions. SCAORA notes that in live court operations, no such bright line exists. For example, a registry's decision to list a matter urgently can determine whether a stay or an execution order is effective. If a defect scrutiny software delays a time-sensitive demolition or death penalty matter, an administrative glitch effectively results in an adjudicatory outcome. The Supreme Court itself spent decades clarifying whether certain powers of the Chief Justice are judicial or administrative (see *SBP & Co. v. Patel Engineering*). Permitting unverified AI automation across administrative tasks presents a direct risk to litigants.

3.5 Data integrity and cybersecurity (Regulations 10, 14 and 15)

The data of millions of Indian citizens cannot be exposed to data centers of large language models controlled by trillion-dollar multinational corporations located outside India. Processing massive volumes of public dockets allows separate pools of data to coalesce, enabling AI models to reveal sensitive patterns. This creates severe military, financial and social risks for the nation. For example, exposing the records of Armed Forces Tribunals could expose vulnerable combinations of strategic data. Additionally, the text completely ignores the immense environmental costs, carbon footprints, and water usage associated with running large data centers for frontier models. Furthermore, Regulation 10 limits its privacy protections to 'personal data', leaving non-personal judicial records entirely unprotected from use in AI.

3.6 Innovation over restraint (Regulation 17)

Regulation 17 begins with a cautious note that *“the adoption of Artificial Intelligence in Court processes shall be pursued, in a responsible manner, as a catalyst for impactful innovation in the justice delivery system.”* However, the title of Section 17 *“Innovation over Restraint”* gives a general authorization to prioritize technological integration over a strict precautionary approach of 'do no harm'. SCAORA notes that the title of Regulation 17 should be more precautionary.

3.7 Access to the e-Filing 3.0 module

Official Press Information Bureau (PIB) disclosures dated March 20, 2025, and July 25, 2025, show that the Supreme Court of India has already actively deployed AI and machine learning tools, including automated transcription for

Constitution Benches, judgment translation into 18 regional languages via the eSCR portal, and automated filing defect identification developed with IIT Madras. However, access to the e-filing prototype has been selectively limited to only 200 Advocates-on-Record. All tools deployed by the registry must be universally accessible to the entire Bar, and the extent of their use must be transparently disclosed.

4. SCAORA's recommendations

Sr. No.	Issue	SCAORA Recommendation
1	Deployment of AI systems	Defer deployment of AI Systems in functions that directly affect litigants' rights until adequate safeguards are established.
2	Explainability	Explainability obligations under the Regulations must reflect the technical limitations of contemporary AI Systems.
3	Black Box Systems	Prohibit deployment of opaque or Black Box AI Systems in high-risk applications.
4	Hallucinations	Mandate human-in-the-loop and human-on-the-loop safeguards for all AI-generated outputs used in Court processes.
5	Human primacy	Strengthen Regulation 4 to ensure that AI-generated outputs do not create any legal or factual presumption and remain strictly assistive.
6	Administrative functions	Restrict AI deployment in administrative functions that materially affect litigants or influence outcomes.
7	Data sovereignty	Restrict processing of Court data to sovereign infrastructure.
10	Access to AI Tools	Ensure that all AI tools deployed by the Registry are uniformly accessible to the entire Bar and their use is transparently disclosed.

12	Innovation Deployment	& Adopt a precautionary and phased approach to deployment.
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CHAPTER II: FOUNDATIONAL AND CONSTITUTIONAL ISSUES

1. Introduction

This Chapter deals with the foundational and constitutional issues that arise from Draft Regulations for Use of Artificial Intelligence in Courts, 2026 (the “Draft AI Regulations”). These provisions raise a question that must be settled first: under what source of authority are the Draft AI Regulations made? Once this is answered, many later questions like the position of these regulations vis-a-vis the High Courts/ Tribunals and other adjudicatory bodies, the relation with Digital Personal Data Protection Act, 2023 (the “DPDP Act”) and the Information Technology Act, 2000, the conflict rule in Regulation [54](#) become much easier to analyse. If left unanswered, the framework’s applicability on institutions other than the Supreme Court is open to doubt.

2. The source of the regulation-making power

2.1 The Draft Regulations do not state their source of power

The Draft Regulations are brought into force by notification of the Chief Justice of India for the Supreme Court, and of the Chief Justice of each High Court for the courts within its jurisdiction (Regulation [1\(2\)](#)). They do not state whether they are rules under Article 145 of the Constitution, an exercise of the power under Article 142 or model standards intended to be adopted by each Court under its own independent rule-making power. SCAORA notes that this omission has practical consequences.

2.2 Limits of Article 145

Article 145(1) empowers the Supreme Court, “*subject to the provisions of any law made by Parliament*” and “*with the approval of the President,*” to make rules “*for regulating generally the practice and procedure of the Court.*” Matters such as the use of AI by judges and the Registry, AI-assisted filings, etc. fall squarely within the practice and procedure of the Supreme Court.

But Article 145 has certain limitations. First, the power is confined to the practice and procedure of the Court, it does not extend to the creation of a national governance model for AI implementation in the Courts. Secondly, Article 145

rules are made by, and for, the Supreme Court, they do not bind the High Courts, which make their own rules under their own powers. Thirdly, Article 145 rules require the approval of the President. However, commencement mechanism in Regulation 1(2) i.e. notification by the Chief Justice does not reflect that requirement. SCAORA believes that, if the framework is intended to rest on Article 145, this should be addressed.

2.3 The federal structure: applicability to the High Courts or a model-law approach

The High Courts are independent constitutional courts, and they are not administratively subordinate to the Supreme Court. A High Court makes rules for itself and for the courts subordinate to it under Articles 225, 227 and 229 of the Constitution. The Supreme Court's rule-making power under Article 145 does not reach the High Courts. The law declared by the Supreme Court binds all courts under Article 141 only in the sense of precedent, not administratively.

Regulation 24(1)(a) empowers the Apex Body to set "*minimum mandatory standards*" for the use of AI "*for compliance by all Courts*" SCAORA believes that a mandatory standard imposed by a Supreme Court body on the High Courts requires a constitutional basis, which the Draft Regulations do not supply. This difficulty is avoided if the framework is understood as model standards that each High Court adopts under its own rule-making power, with such modification as it considers appropriate. The Supreme Court's e-Committee prepared the Model Rules for Video Conferencing for Courts, 2020 which were adopted by the High Courts and notified with modifications.

2.4 Article 142 and the Vishaka route

There is a well-known line of authority in which the Court has laid down binding guidelines to fill a legislative vacuum, most prominently in *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241. The guidelines on sexual harassment at workplace were prescribed and made to operate until Parliament legislated. The Parliament later did codify the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Article 142 may support interim directions until a proper framework is in place.

3. Regulation 2 – Application of the Draft AI Regulations

3.1 "Judicial, adjudicatory or administrative"

Regulation 2 applies the Regulations to the use of AI in "*any judicial, adjudicatory or administrative function*" of the Courts. The term "adjudicatory function" is

defined broadly in Regulation 3(a) covering all aspects from hearing of matters, recording of evidence, framing of issues, passing of orders, etc. Such a broad definition of the adjudicatory function already includes judicial function of a Court. The word “judicial function” in Regulation 2 can therefore be deleted as it is nowhere defined. If, the drafters intend “judicial” and “adjudicatory” to mean different things, then “judicial function” must be separately defined in Regulation 3, and the distinction be made clear.

3.2 Quasi-judicial and regulatory authorities

Regulation 2 applies the Regulations to the Supreme Court, the High Courts, and “all Courts including the Tribunals and statutory Commissions performing adjudicatory functions.” A number of other authorities also discharge adjudicatory or quasi-judicial functions and are increasingly using AI. For example, GST authorities/ the income-tax authorities in assessment and appeal. It is well understood that these authorities are executive or statutory bodies and are not part of the judiciary. However, the question whether the Regulations should extend to such authorities is a genuine one as adjudication by these authorities based on Artificial Intelligence affects a litigants rights.

4. SCAORA’s recommendations

SCAORA recommends the following, set out against the concern each addresses.

Sl. No.	Concern	SCAORA’s recommendation
1	The Draft Regulations do not state their source of power.	State expressly the constitutional basis on which the Regulations are made.
2	If the framework rests on Article 145, the requirement of Presidential approval is not reflected.	If Article 145 is relied upon, address the requirement of the President’s approval, and note that Article 145 rules bind the Supreme Court and cannot, by themselves, bind the High Courts.
3	Article 142 can be a possible foundation for a standing code.	Use Article 142 for interim directions pending a proper framework.
4	The applicability of the Regulations over quasi-judicial and regulatory authorities is unclear.	This question assumes importance because some statutory bodies like GST authorities / income tax authorities pass assessment orders. It is a known trend that adjudication under GST has now

Sl. No.	Concern	SCAORA's recommendation
		become heavily reliant on Artificial Intelligence. It is acknowledged that these bodies are largely under executive control and cannot be bound by these rules. However, adjudicatory functions should be subject to larger model of AI governance for judiciary.

CHAPTER III: RELATIONSHIP WITH DATA PROTECTION AND PRIVACY

1. Introduction

SCAORA has reviewed Chapter VII of the Draft AI Regulations, 2026. Regulation [47](#) of the Draft AI Regulations contains the following provision

“47. Application of relevant laws. All AI Systems deployed in Court processes shall comply with the provisions of the Digital Personal Data Protection Act, 2023, the Information Technology Act, 2000 and the applicable rules and regulations framed thereunder ...”

SCAORA believes that a bare direction to comply with the Digital Personal Data Protection Act, 2023 (the “DPDP Act”) and the Information Technology Act, 2000 is not sufficient. The moment an AI System processes litigant data, four questions arise: who is responsible for that processing, on what lawful basis it is done, which forum hears a grievance, and what follows if there is a breach. A mere cross-referring DPDP clause answers none of these questions at this time.

1.1 The DPDP regime is in force in law but not operational

An assumption running through Regulation [47](#) is that a fully functioning data-protection regime exists. The DPDP Act received assent in August 2023. The Digital Personal Data Protection Rules, 2025 were notified on 14 November 2025, and the Data Protection Board has since been established. However, the Act and Rules are being brought into force in phases over eighteen months. Some of the provisions like obligations of a Data Fiduciary, rights of data principals, the obligations of Significant Data Fiduciaries, etc. are scheduled to become enforceable only on 13 May 2027. As a result, Regulation [47](#) presently refers to a statute which is not even enforceable right now.

1.2 Live deployments already process litigant data

The Supreme Court already uses AI tools that process personal data on a day-to-day basis. Regulation [41](#) contemplates that AI Systems already in use will be reviewed for compliance within one year of commencement. SCAORA believes disclosure, review and audit of the existing deployments should precede notification of the Draft AI Regulations, 2026, and not follow it.

2. Foundational issues

Regulation [47](#) assumes that the judiciary can “comply with” the DPDP Act in the same way as a commercial data fiduciary.

2.1 Exemption under Section 17(1)(b)

Section 17(1)(b) of the DPDP Act provides that the obligations in Chapter II i.e. the obligations of a Data Fiduciary (except Sections 8(1) and 8(5)) shall not apply where the processing of personal data is done

“by any court or tribunal or any other body in India which is entrusted by law with the performance of any judicial or quasi-judicial ... function, where such processing is necessary for the performance of such function.”

Even after exemption under Section 17(1)(b), the obligations under Section 8(1) and 8(5) are preserved i.e. responsibility for the data and the liability to protect the personal data in its possession.

The difficulty arises when there is a data breach, who is responsible. Regulations do not provide who is Data Fiduciary, or a Data Processor and who bears the responsibility. If the definitions of these terms under DPDP Act are applied, it will lead to certain unintended results like whether the DPDP Board can proceed against the Supreme Court or High Court registry or even summon its record.

2.2 The line between adjudicatory and administrative processing

Section 17(1)(b) of the DPDP Act exempts only processing that is “necessary for the performance of” a judicial, quasi-judicial, regulatory or supervisory function. Does it mean that even administrative functions of the Court like (case filing, registration, listing etc.) are also exempted, after all these functions are necessary for the performance of judicial functions. There is a consequence to not drawing this line. SCAORA believes the Draft Regulations should draw the line expressly.

2.3 What kind of instrument is required?

If a mere cross referencing of DPDP Act is not enough, the question is what the Court should put in its place. This is important since DPDP Act is not even enforceable right now. What is required is a statutory basis dedicated within the DPDP framework which could define how the Act applies to courts. This would require a legislation passed by the Parliament. There is another possibility. The Supreme Court could lay down binding interim directions on data protection and privacy for AI in courts, to hold the field until the position is codified like Vishaka

v. State of Rajasthan, (1997) 6 SCC 241, where the Supreme Court framed binding guidelines on sexual harassment at workplace to fill a legislative vacuum until Parliament legislated the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

SCAORA believes the Court should adopt court specific data-protection framework. Mere referencing of DPDP Act in these Regulations will not suffice as it leads to unintended consequences.

3. Data Fiduciary and Data Processor roles

The DPDP Act operates through three different defined concepts of 'Data Fiduciary', 'Data Processor' and 'Significant Data Fiduciary'. Section 2(i) defines a "Data Fiduciary" as any person who determines the purpose and means of processing of personal data. Section 2(k) defines a "Data Processor" as any person who processes personal data on behalf of a Data Fiduciary. Section 2(z) read with Section 10 allows the Central Government to notify a "Significant Data Fiduciary" for stricter obligations, based on the volume and sensitivity of the data and the risk to data principals.

The Draft Regulations nowhere identify who holds these DPDP roles. They use their own vocabulary (the Apex Body, the AI Committee, the AI Secretariat, the Appropriate Authority, the AI Service Provider and the private entity) without mapping any of it onto the DPDP Act.

If the language of DPDP Act is applied in its literal form,

- (i) the Supreme Court will become a Data Fiduciary and would thus bear responsibility under Section 8(1) and (5) of the DPDP Act, and also bear the attendant consequences.
- (ii) AI Service providers/ private vendors would become 'Data Processors'.
- (iii) The Supreme Court itself could be notified as a 'Significant Data Fiduciary' by the Central Government. This would trigger the appointment of a Data Protection Officer, independent data audits and Data Protection Impact Assessments. That an organ of the executive could designate the judiciary as a Significant Data Fiduciary, and prescribe how it must organise its data governance, is itself a matter that requires consideration.

SCAORA notes that the Draft AI Regulations has not considered this aspect nor addressed the concerns that arise.

4. Existing AI Systems

The Supreme Court is already operating AI tools that process personal data. The principal deployments, as publicly known, include:

- **SUVAS (Supreme Court Vidhik Anuvaad Software)** an AI-assisted software used to translate judgments and orders into Indian languages, feeding the e-SCR portal.
- **SUPACE (Supreme Court Portal for Assistance in Court's Efficiency)** an AI-based research and case-analysis assistant that processes case files and pleadings to assist judges.
- **Real-time transcription** of arguments before Constitution Benches, displayed in court and uploaded to the official website.
- **e-Filing 2.0** AI-assisted case filing extended to about 200 advocates.
- **SuSahayak v1.0** an "AI Assistant Powered by VANI" on the official website.

Each of these processes personal data. Regulation [41](#) provides that AI Systems already in use at commencement will be reviewed for compliance within one year. SCAORA believes that any gap in security in these systems is a present exposure. SCAORA therefore recommends that these systems should be audited immediately from the perspective of data protection and privacy.

5. Data protection and privacy concerns

5.1 "Sensitive judicial data" is too broad a category

Regulation [3\(zh\)](#) defines "sensitive judicial data" to include any personally identifiable information of parties, witnesses or legal representatives, and any information processed in connection with a Court process, the unauthorised disclosure of which may cause harm. This bundles very different kinds of data into a single class. "Personal data" under Section 2(t) of the DPDP Act is also data about an identifiable individual. The Draft Regulations do not explain the relationship between the two terms, or how non-personal judicial data is to be treated.

5.2 The Puttaswamy standard, and how the framework must meet it

In *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1, a nine-judge Bench held that privacy is a fundamental right flowing from Article 21. Any intrusion into that right by the State must satisfy a settled standard. As the Court put it, the intrusion must meet the requirements of (i) legality i.e., the existence of a valid law authorising it; (ii) a legitimate State aim; and (iii) proportionality i.e., a rational nexus between the measure and the aim. SCAORA believes this is the constitutional standard the framework must actually meet. The Draft Regulations should state this standard expressly.

6. Grievance redressal and jurisdictional conflicts

6.1 The two routes

The dispute resolution mechanism under the DPDP Act is that under Section 13 of the DPDP Act, a data principal must first seek redress from the Data Fiduciary. The Board then inquires under Sections 27 and 28. An appeal lies to the Appellate Tribunal. The Board may refer a complaint to mediation under Section 31. Section 39 bars the jurisdiction of civil courts in matters for which the Board is empowered.

The Draft Regulations lay down a different route. Regulation [52](#)(1) allows a party harmed “as a direct or indirect effect of prohibited use of AI under regulation [20](#)” to apply to the court in which the AI System was used, and that court may pass “appropriate orders as it may deem fit.” Regulation [53](#) preserves all other legal remedies.

Regulation [52](#) is narrow. By its terms it is confined to harm from a prohibited use under Regulation [20](#). For example, impermissible training on personal data, algorithmic decision-making, risk scoring or profiling. An ordinary personal data breach, such as a leak of transcripts or the accidental disclosure of sealed records, may not be a “prohibited use” at all. In that case Regulation [52](#) offers the affected litigant no remedy, and the DPDP route before the Board becomes the only avenue.

Section 39 of the DPDP Act removes the jurisdiction of “civil courts”. The question arises whether a litigant proceeding under Regulation [52](#) of the Draft AI Regulations for redressal of its grievance is barred under Section 39. This is left unresolved. If both routes operate together, a single breach may attract proceedings before the Board and before the court, with no provision on which prevails or whether the findings of one bind the other.

6.2 The Board's jurisdiction over a constitutional court, and the way forward

Suppose a personal data breach occurs within a court process. Because Section 17(1)(b) preserves the Section 8(5) security duty and does not oust the Board, the Board could in terms inquire into a security-safeguard failure by the Court's Registry and impose a penalty. This is where the framework meets a constitutional difficulty. The Board is a statutory body whose Chairperson and Members are appointed by the Central Government. The Draft Regulations do not indicate whether, or how, such a body may inquire into the records of a constitutional court or impose penalties upon it. This is an unresolved question that requires clarification before Regulations are notified.

Under Article 55(3) of the General Data Protection Regulation (GDPR), the data-protection supervisory authority is not competent to supervise processing operations of courts acting in their judicial capacity. Supervision of that processing is instead entrusted to a body within the judicial system, while the authority retains jurisdiction over the courts' administrative processing.

6.3 Mediation, and the better course

Section 31 allows the Board to refer a complaint to mediation. The Draft Regulations are silent on whether mediation is available for AI-related harm in courts. SCAORA believes mediation is not apt for this setting.

6.4 Source of power: Article 145, Article 146 and Regulation 54

Regulation 54 assumes that any conflict between the Draft Regulations and enactments such as the DPDP Act or the IT Act can be resolved by a rule of precedence, with the other law prevailing. The correct rule, however, depends on a prior question that the draft never answers which is under what source of authority are the Draft Regulations made? The classification matters.

SCAORA once again reiterates that the Draft AI Regulations should state their source of power, and that the conflict rule in Regulation 54 should be settled only after that classification is made clear.

7. Liability and accountability

The Draft Regulations are detailed on governance but thin on consequences. The only penal authority under the DPDP Act or Draft AI Regulations is the Data Protection Board. The Draft Regulations create no penalty of their own.

Regulation [46](#)(6) allows suspension or termination of a vendor's engagement, but that is a contractual consequence, not a remedy for the affected litigant.

On remedies, the data principal which is the litigant is given nothing beyond the general power of the Court under Regulation [52](#) to pass "appropriate orders," and even that is confined to prohibited uses under Regulation [20](#).

7.1 Is there a real enforcement mechanism against a breach of judicial data?

This question deserves a direct answer. Whether a Central-Government-appointed Board can inquire into and penalise a constitutional court is highly doubtful. If not, the obligation exists on paper without an enforcement path. SCAORA believes the Draft Regulations should (i) state who bears liability as between the Court, the vendor and the processor, and (ii) identify the authority competent to impose consequences, and (iii) provide the affected litigant with a defined remedy.

CHAPTER IV: DEFINITIONS

1. Introduction

A review of Regulation 3 reveals critical ambiguities in the definition section of the Draft AI Regulations that must be reworked. This chapter sets forth SCAORA's critique of the definition section.

2. Review of definitions and SCAORA's objections

2.1 Definition of 'adjudicatory function' (Regulation 3(1)(a))

Regulation 3(1)(a) defines "adjudicatory function" to include direct judicial decision-making within its ambit. However, the definition of 'adjudicatory functions' also includes "*recording of evidence*" within its ambit. Recording evidence is a procedural function rather than a core adjudicatory function.

SCAORA believes that the definition of 'adjudicatory functions' may require reconsideration. While appreciation of evidence and application of law are inherently adjudicatory functions, the recording, transcription, translation and preservation of evidence are generally procedural activities. The distinction assumes significance because the Draft Regulations permit deployment of AI-assisted tools for transcription, translation and recording of proceedings.²

2.2 Definition of 'administrative function' (Regulation 3(1)(b))

Regulation 3(1)(b) defines "administrative function" as a broad residual category for registry operations. This would include activities such as listing of matters, issuance of notices, summons, etc. However, the Draft AI Regulations do not adequately address the position of Judicial officers (when sitting singly in chamber) and Registry officials who exercise statutory conferred powers under the Supreme Court Rules, 2013 while performing such functions.

The Registrar performs several functions that are not merely clerical but involve the exercise of statutory discretion, including scrutiny of filings, identification of defects, issuance of notices, fixation of hearing dates, preparation of cause lists, condonation of certain delays, certification of matters as ready for hearing and numerous chamber functions delegated by the Court.³

Since there is already a use of AI in filing, e-scrutiny, listing, scheduling (and also permissible under the Regulation 19 of the Draft Regulations), the Regulations should clarify the role of Registrar as the final decision-maker (mandatory

² Refer Regulation 19(b) & (c) of the Draft AI Regulations, 2026.

³ Order III and Order V of the Supreme Court Rules, 2013

Human In/ Over the Loop) for such decisions. Otherwise, where an AI System malfunction contributes to an erroneous listing, defective scrutiny, etc., it would be difficult to fix accountability. SCAORA, therefore recommends as under:

- The Draft Regulations should expressly clarify that the use of AI in administrative functions shall not dilute or substitute the statutory responsibilities vested in Registrars under the Supreme Court Rules, 2013.
- The Regulations should further clarify the extent to which Registrar may rely upon AI for administrative decisions. This is of concern in those situations where nature of function albeit administrative, directly or indirectly affects the rights of the litigants. It is important that use of AI in such situations should be reviewed thoroughly as they are almost in the nature of judicial functions.

2.3 Definition of AI Incident (Regulation 3(1)(e))

Regulation 3(1)(e) defines an "AI Incident" as any malfunction or erroneous output resulting in a "substantial risk of harm".

SCAORA notes that the draft fails to provide any objective threshold or criteria for what constitutes a "substantial risk".

2.4 Definition of "Court Data" (Regulation 3(1)(p))

The definition of "Court data" as "any data generated by or in possession of a Court" is very broad. In its current form, the definition will encompass judicial records, financial data, administrative data, personnel information, procurement related data, security-related information, etc. Some of this information that should remain outside the scope of AI governance in Supreme Court. Accordingly, definition of Court Data should therefore be narrowed.

2.5 Definition of 'Court' (Regulation 3(1)(o))

The definition of "Court" under Regulation 3(1)(o) does not clarify whether statutory tribunals, and regulatory bodies exercising quasi-judicial powers fall within its ambit. Bodies such as the Competition Commission of India, Insurance Regulatory and Development Authority of India, and Securities and Exchange Board of India perform both regulatory and adjudicatory functions. The draft regulations do not specify if their adjudicatory/ administrative functions are covered. The definition should expressly clarify the extent to which quasi-judicial and regulatory authorities are intended to be governed by these regulations (if at all).

2.6 Definition of AI Service Provider (Regulation 3(1)(h))

The definition of "AI Service Provider" requires reconsideration. Firstly, the necessity of a separate definition of "AI Service Provider" itself is unclear. Apart from Regulation 37, which requires the AI Register to record the identity of the AI Service Provider, the Regulations does not use the expression 'AI Service Provider' at all. On the other hand, the Draft Regulations employ different terminology, including "vendor", "private entity", and "third-party service provider"⁴ at different places. It appears that the use of these expressions is overlapping.

It is suggested the Draft AI Regulations should adopt a single term for all external entities involved in the deployment of AI System.

Further, in the definition under Regulation 3(1)(h) *"and assumes express or implied contractual, statutory, or regulatory obligation towards the Court and remains accountable for the performance, accuracy, fairness, transparency, and security of such AI System throughout its lifecycle"* is wrong. The responsibilities and liabilities of private vendors/ AI Service providers should come out clearly in the Draft Regulations and the Contract and not in the definition clause. The use of this expression in the definition indicates that a private entity deploying AI system by this very fact can be held responsible for the overall performance of that system throughout its lifecycle. Such an assumption does not align with commercial realities.

2.7 Definition of Explainability (Regulation 3(1)(w))

The definition of "explainability" warrants reconsideration. The reasonings employed by Modern AI systems in most cases cannot be translated in a form that can be understood by humans, more so by lawyers who are not well versed with technology. The definition should therefore focus on meaningful explainability of AI generated outcomes. The objective should be to enable users to understand the (i) the principal factors, (ii) inputs, (iii) assumptions, (iv) limitations, and (v) basis of an AI-generated output.

2.8 Definition of Designated Officer (Regulation 3(1)(u))

Regulation 3(1)(u) defines a "Designated Officer" as a judicial officer or court officer nominated to supervise the use of an AI system. However, the Regulations do not clearly define the scope or limits of the supervisory responsibilities of the Designated Officer. It is unclear how a single officer can monitor the technical, legal, audit, cybersecurity, and other concerns relating to an AI System and be accountable in respect of the same. The Regulations should clearly define the responsibilities, reporting structure, and institutional position of the Designated Officer and clarify whether AI oversight is intended to be exercised through

⁴ Regulation 46 of the Draft AI Regulations, 2026

individual officers or should there be dedicated governance structure. The role of Designated Officer should be integrated with the governance architecture established under the Regulations.

2.9 Definition of Generative AI (Regulation 3(1)(y))

Regulation 3(1)(y) begins by defining Generative AI but appends the following *"...and no such GenAI-generated content shall be filed or produced before any Court, without mandatory disclosure of its origin and verification through a designated centralised mechanism..."*. Such obligations and penalties do not belong in the definitions section. This appended text must be struck out from Regulation 3(1)(y) and moved to other part of the Draft Regulations.

Furthermore, such a clause also finds mention in Regulation 43(3) & (4). Burdening advocates with mandatory disclosures for use of Gen AI should be completely done away with. SCAORA has made detailed representation and recommendation in respect of this issue subsequently.

2.10 Definition of Human-in-the-Loop (HITL) (Regulation 3(1)(zb))

The definition of Human-in-the-Loop (HITL) in Section 3(1)(zb) is unobjectionable. However, the Regulations appears to proceed on the assumption that meaningful human oversight can be achieved through mandatory review of only outputs before a final decision is made. The definition of HITL in Regulation 3(1) (zb) states that HITL means a governance process in which *"the outputs, recommendations, or results"* generated by an AI System or AI Tool are subject to mandatory human review. This assumes human intervention only at the output/ result/ recommendation level. Modern AI governance also recognises another form of human oversight, which is Human-on-the-Loop (HOTL) where a human continuously monitors the operation of the system and can intervene where necessary. The deployment of AI in Supreme Court will involve processes like generation of cause list on a regular basis, continuous transcription when the hearings happen, etc. In such cases, an ability to continuously monitor or pause or override or modify an error which is likely to result in an inaccurate output must be inbuilt. This can be achieved by framing governance structure to include 'HOTL'.

3. Consolidated recommendations

Sr. No.	Regulation and Issue	SCAORA Recommendation
1	Reg. 3(1)(a): Adjudicatory Function	Reconsider the inclusion of “recording of evidence” within the definition of adjudicatory functions.
2	Reg. 3(1)(b): Administrative Function	Clarify that the deployment of AI in administrative functions shall not dilute or substitute the statutory responsibilities of Registrars under the Supreme Court Rules, 2013.
3	Reg. 3(1)(e): AI Incident	Define objective parameters or criteria for determining what constitutes a “substantial risk of harm”.
4	Reg. 3(1)(p): Court Data	Narrow the definition of Court Data so that it covers only data relevant to the deployment, operation, training, monitoring, or use of AI systems.
5	Reg. 3(1)(o): Court	Clarify whether quasi-judicial bodies, tribunals, and regulators exercising adjudicatory powers fall within the scope of the Regulations. The definition should specifically address entities such as the CCI, IRDAI, and SEBI.
6	Reg. 3(1)(h): AI Service Provider	Clarify the distinction, if any, between “AI Service Provider”, “vendor”, “private entity”, and “third-party service provider”.
7	Reg. 3(1)(w): Explainability	Revise the definition to focus on disclosure of the principal factors, inputs, assumptions, limitations, and basis of AI-generated outputs, rather than attempting to explain the technical reasoning of complex AI models.

Sr. No.	Regulation and Issue	SCAORA Recommendation
8	Reg. 3(1)(u): Designated Officer	Clearly define the role, responsibilities, and accountability of the Designated Officer.
9	Reg. 3(1)(y): Generative AI	Delete filing, disclosure, and verification obligations from the definition clause. The Regulations should separately reconsider any mandatory disclosure obligations imposed on advocates in relation to GenAI-generated content.
10	Reg. 3(1)(zb): Human-in-the-Loop (HITL)	Retain the concept of HITL but supplement it with recognition of Human-on-the-Loop (HOTL).

CHAPTER V: PERMISSIBLE AND PROHIBITED USES OF ARTIFICIAL INTELLIGENCE IN COURTS

1. Introduction

Chapter III of the draft Regulations, comprising Regulations [18](#) to [21](#), is the heart of the framework.

2. Regulation [18](#) (identifying the areas of permissible use)

Regulation [18](#) empowers the Appropriate Authority to determine, from time to time, the areas of Court processes in which AI Systems may be used. There is no guidance on how that power is to be exercised. Given the broad brush of the power in Regulation [18](#), it should state the criteria.

3. Regulation [19](#) (permissible uses of AI)

3.1 General observations

Regulation [19](#) lists eleven categories of permitted use.

3.2 Regulation [19](#)(1)(a) (case management, defect identification and listing)

Regulation [19](#)(1)(a) permits AI-assisted case management, including the identification of defects in new filings.

SCAORA has two distinct concerns with this clause. First, an AI tool used for defect scrutiny must mark defects within those notified categories and not generate some new defects of its own. The output should be advisory only, and every defect must be independently verified by the Dealing Assistant. If the tool identifies something outside the notified categories, it may bring it to the notice of the officer for separate consideration, but it must not, hold up the filing of the matter. The second concern concerns AI-assisted “docket prioritisation” as mentioned in Regulation [19](#)(1)(a) but does not identify the parameters on which prioritisation is to occur. Whether a matter is urgent and thus deserves prioritisation in listing involves administrative discretion that cannot be guided solely by algorithmic decision making. SCAORA is of the view that AI should do no more than recommend scheduling or categorisation on the basis of documented parameters. The final decision on listing, priority, tagging and allocation must be human.

3.3 Regulation 19(1)(b) and (c) (transcription and translation)

Regulation 19(1)(c) permits AI-assisted translation. SCAORA believes that transparency of the translation tool is essential. Where a translation is produced by AI, the Court and the parties should be able to know which system, dictionary or glossary was used, so that its correctness can be checked. Standardised legal terminology should be used consistently like Vidhi Shabd Kosh. The tools used by Supreme Court for translation can be made available to Advocates-on-Record.

3.4 Regulation 19(1)(d) (legal research and citation verification)

Regulation 19(1)(d) permits AI use for legal research, precedent retrieval, citation verification and document summarisation. SCAORA is of the view that AI-generated legal research must remain strictly assistive. Attention is drawn to inclusion of “citation verification” as one of the permitted uses. Generative AI systems are known to produce citations that appear genuine but do not exist. As flagged by the Hon’ble Supreme Court recently in *Pooja Ramesh Singh Vs. Jammu & Kashmir Bank Ltd. [Civil Appeal No. 11950 of 2025]*, there have already been instances, in India and abroad, where citations relied by the Advocates and even Courts were fabricated by AI tools. Therefore, an AI System is incapable of verifying citations. SCAORA therefore believes that citation verification must remain a human function. This position is consistent with the duty of Advocates under the Advocates Act, 1961 as well as the Supreme Court Rules, 2013.

3.5 Regulation 19(1)(e) (administrative functions and “judicial resource allocation”)

Regulation 19(1)(e) permits AI use for administrative functions including case filing assistance, defect scrutiny, record management and judicial resource allocation. SCAORA has two comments. The expression “judicial resource allocation” is not defined and its meaning is unclear. The term requires clarification. If no precise meaning can be given, it should be deleted.

SCAORA also believes that where the Registry deploys an AI tool to scrutinise filings for defects, the same tool should be made available to Advocates-on-Record before filing. This would allow practitioners to correct defects before filing which would reduce delay in listing and otherwise also improve the quality of filings. Procedural fairness supports giving filing advocates access to substantially the same automated scrutiny that the Registry uses against them.

3.6 Regulation 19(1)(f) to (j) (chatbots, accessibility, fraud detection, anonymisation and analytics)

SCAORA offers the following observations on the remaining permitted uses.

Regulation 19(1)(f) permits conversational assistants and chatbots to help litigants understand Court services and procedure. SCAORA supports this use for its potential to improve access to justice. However, such tools must not stray from procedural guidance into anything resembling legal advice. Human oversight of their functioning should include periodic checking of the answers actually being given.

Regulation 19(1)(g) permits accessibility services such as text-to-speech, speech-to-text, Braille translation and visual assistance. SCAORA welcomes this without reservation.

Regulation 19(1)(h) permits document authenticity verification and fraud detection in administrative processes, subject to mandatory human review before any action is taken. SCAORA supports the human review safeguard.

Regulation 19(1)(i) permits AI-assisted anonymisation of judgments and records for publication. SCAORA notes that the Regulations define anonymisation as an irreversible process, and that incomplete anonymisation carries a real risk of re-identification. AI-anonymised output should therefore be verified before publication.

Regulation 19(1)(j) permits analytical tools for judicial administration, court performance assessment and backlog monitoring. SCAORA is of the view that “*court performance assessment*” must not extend to the evaluation or scoring of individual judicial officers. The Regulation should make clear that performance analytics operate at the level of the institution not the individual Judge.

3.7 Regulation 19(1)(k) (auto-generation of notices and summons)

Regulation 19(1)(k) permits the auto-generation of prescribed formats, notices and summons with metadata merge. SCAORA is of the view that a clear distinction must be drawn between the generation of a summon and its issuance. The drafting of a standard notices or summons by an AI tool (verified by a human) is welcome. The issuance, however, carries legal consequences and is an act of the Court. SCAORA believes that the actual issuance and despatch of any notice or summons must remain the act of a human authority and must not be automated.

4. Regulation 20 (prohibited uses of AI)

4.1 Regulation 20(1)(a) (use of personal data for training)

Regulation 20(1)(a) prohibits the use of personal data to train, test or refine an AI System without the prior approval of the Appropriate Authority and, where applicable, compliance with data protection law.

SCAORA believes the clause should be redrafted to make clear that personal data may be used for training only where there is a lawful basis under the data protection law, and that the approval of the Appropriate Authority is an **additional** internal safeguard on top of that and not a replacement.

4.2 Regulation 20(1)(b) and (c) (human-in-the-loop and the risk of a conditional prohibition)

Regulation 20(1)(b) provides that no judicial outcome shall be reached through Algorithmic Decision-Making alone or solely on the basis of AI-generated material, and that the human judicial authority shall be determinative in all adjudicative decisions. SCAORA fully supports this clause.

Regulation 20(1)(c) is more difficult. It provides:

“no AI System shall perform the function of adjudication or sentencing in any matter without mandatory Human-in-the-Loop ... and shall be subject to independent judicial evaluation.”

Read literally, the words “without mandatory Human-in-the-Loop” suggest that AI may perform adjudication or sentencing so long as a human is placed in the loop. This would convert an absolute prohibition into a conditional permission and is against the absolute prohibition on AI being used in adjudication. Mere presence of a human cannot be allowed to legitimise AI based adjudication.

4.3 Regulation 20(1)(e) (opaque and unexplainable systems)

Regulation 20(1)(e) prohibits the use of undisclosed, opaque or unexplainable AI Systems in any Court process “that may materially affect the lawful rights or personal liberty of any party.” SCAORA suggests that the requirement of disclosure and explainability apply to every AI deployment.

4.4 Regulation 20(2) (“absolute and non-derogable” character)

Regulation 20(1) and Regulation 20(2) both declare the prohibitions to be absolute and non-derogable. Even Regulation 56, excludes the Regulation 20 prohibitions from the power to relax or modify.

But it is important to note two significant drafting errors that are inconsistent with Regulation 20(2):

- Regulation 20(a) prohibits the use of personal data “*without the prior approval of the Appropriate Authority,*”
- Regulation 20(c) prohibits AI adjudication “without mandatory Human-in-the-Loop.”

SCAORA is of the view that clauses (a) and (c) should be redrafted so that the absolute character declared in Regulation 20(2) is genuinely reflected.

5. Regulation 21 (remedial measures)

Regulation 21 provides that every violation of a Regulation 20 prohibition shall be reported to the AI Secretariat, placed before the AI Committee, and dealt with by such remedial measures as the Committee thinks fit, including suspension of the system. SCAORA is of the view that the Regulation should expressly enumerate the range of remedial measures available. These should include (i) the correction of any affected Court records, (ii) notification to affected parties where appropriate, (iii) a technical audit of the system, and (iv) the suspension, modification of the relevant system.

6. SCAORA's recommendations

SCAORA's specific recommendations on Chapter III are summarised below.

Provision	Concern	Recommendation
Reg. 19(1)(a)	An AI tool may generate objections beyond the notified categories.	Confine AI defect scrutiny to notified defect categories. Any other defect notified should be treated as advisory only.
Reg. 19(1)(a)	"Docket prioritisation" is permitted. Listing involves discretion that affects right of the parties and cannot be reduced to an algorithm.	Limit AI to recommending listing/categorisation. Reserve final decisions on listing to the competent Registry authority.
Reg. 19(1)(c)	Errors in legal translation can alter legal meaning.	Treat AI translations as provisional until human verified.
Reg. 19(1)(d)	"Citation verification" is listed as a permitted AI use.	Make citation verification as a human function.
Reg. 19(1)(e)	"Judicial resource allocation" is undefined.	Define or delete "judicial resource allocation".
Reg. 19(1)(j)	"Court performance assessment"	Confine performance analytics to the institution and exclude evaluation of individual Judges in line with Reg. 20(1)(g).
Reg. 19(1)(k)	The clause does not distinguish the generation	Distinguish generation from issuance. Issuance and despatch of process remain the act of a human authority.

Provision	Concern	Recommendation
	of a notice or summons from its issuance.	
Reg. 20(1)(a)	The clause read as if with the approval of Appropriate Authority, the AI system could be used for training an AI system for personal data.	Clarify that personal data may be used only on a lawful basis under the DPDP Act, 2023.
Reg. 20(1)(c)	The words “without mandatory Human-in-the-Loop” read as a conditional permission for AI adjudication.	Requires redrafting so AI cannot determine any question of fact even with human in loop.
Reg. 20(1)(e)	Transparency is required only where rights or liberty are affected.	Apply disclosure and explainability to every AI deployment.
Reg. 21	The provision does not identify who must report a violation and states remedial powers only in general terms.	Name the reporting duty and enumerate remedies

CHAPTER VI: GOVERNANCE STRUCTURE

1. Introduction

A robust governance framework for Artificial Intelligence (AI) in the Supreme Court must fulfil these two public law imperatives:

1.1 Core governance principles

- 1. Stakeholder representation:** The governance structure should have representation from all stakeholders.
- 2. Accountability:** The governance structure should clearly identify the authority responsible for each stage of the AI lifecycle from development & deployment to its approval and implementation. This will ensure accountability in case of algorithmic errors, hallucinated outputs, data breaches and other non-compliances.

An analysis of Chapters IV of the Draft AI Regulations reveals critical deficiencies, which are discussed below.

2. Inadequate representation of the Bar

A fundamental flaw in the governance structure proposed in the Draft AI Regulations is the near-total exclusion of practising advocates from the core regulatory and policy making bodies under Chapter IV.

The practising Bar constitutes the single largest and most frequent user group of the judicial system. Every algorithmic tool or large language model deployed under these regulations that impacts case management, cause-list generation, registry defect scrutiny, directly impacts the practising advocates.

2.1 Existing position under the Draft Regulations

By design, the draft excludes the Bar from the following critical bodies:

2.2 Bodies lacking representation of the Bar

- **The Apex Body (Regulation 22):** provides token representation of ‘one or more advocates of standing’ who may be nominated at the absolute discretion of the Chief Justice of India.
- **The Judicial Committee (Regulation 26):** comprises exclusively judicial officers and registry personnel. One of the core functions of the Judicial Committee is to “develop and deploy AI tools to assist in adjudication”. It is imperative that members of the Bar are part of the process whereby AI tools are developed and deployed.

- **The Case and Data Management Committee (Regulation 29):** is staffed entirely by judicial officers, registry officials, and external AI experts. One of the core function of the CDMC is to innovate, develop and deploy AI for assistance in adjudication and legal research connected to the National Court Management System (NCMS) of the Supreme Court of India and to the State Court Management Systems (SCMS) of the High Courts, so as to ensure backward integration with existing systems. SCAORA believes that these systems are not used exclusively by judges and registry officials. They directly affect litigants and advocates who are the primary users of judicial processes. The effectiveness of any AI-assisted case management or legal research system cannot be studied without involving lawyers as only lawyers know the courtroom realities, filing practices, listing requirements, etc. A user side perspective of these systems can only be provided by the practising lawyers.
- **AI Committees (Regulation 33):** is structured strictly with judicial officers with no channel to receive input, feedback, from representative Bar associations.

2.3 Comparative matrix of representation

The stakeholder representation across the proposed framework are mapped out in the comparative matrix below:

Body	Judge s	Registr y	Tech Expert s	Governmen t	Lawyers / Bar Representatio n
Apex Body	Yes	No	Yes	Yes	Yes, but inadequate
Judicial Committee	Yes	Yes	No	No	No Representation
Technical Committee	No	No	Yes	No	No Representation
Infrastructur e Committee	No	No	Yes	No	No Representation
CDMC	Yes	Yes	Yes	No	No Representation
Cyber Security Committee	No	No	Yes	Yes	No Representation

Body	Judge s	Registr y	Tech Expert s	Governmen t	Lawyers / Bar Representatio n
CoRE-AI	Yes	No	Yes	No	Yes
SC AI Committee	Yes	No	No	No	No Representation
HC AI Committees	Yes	No	No	No	No Representation
AI Secretariat	No	Yes	No	No	No Representation

3. Excessive bureaucracy

The draft regulations erect a pyramid type of governance system with (i) the Apex Body; (ii) five Standing Committees under the Apex Body; (iii) a Centre of Research and Excellence on Artificial Intelligence (CoRE-AI); (iv) Supreme Court and High Court AI Committees; (v) a administrative AI Secretariat for each High Court; and (vi) AI Content Verification Authority.

3.1 Existing governance architecture

Below is the organisational mapping of the proposed authorities:

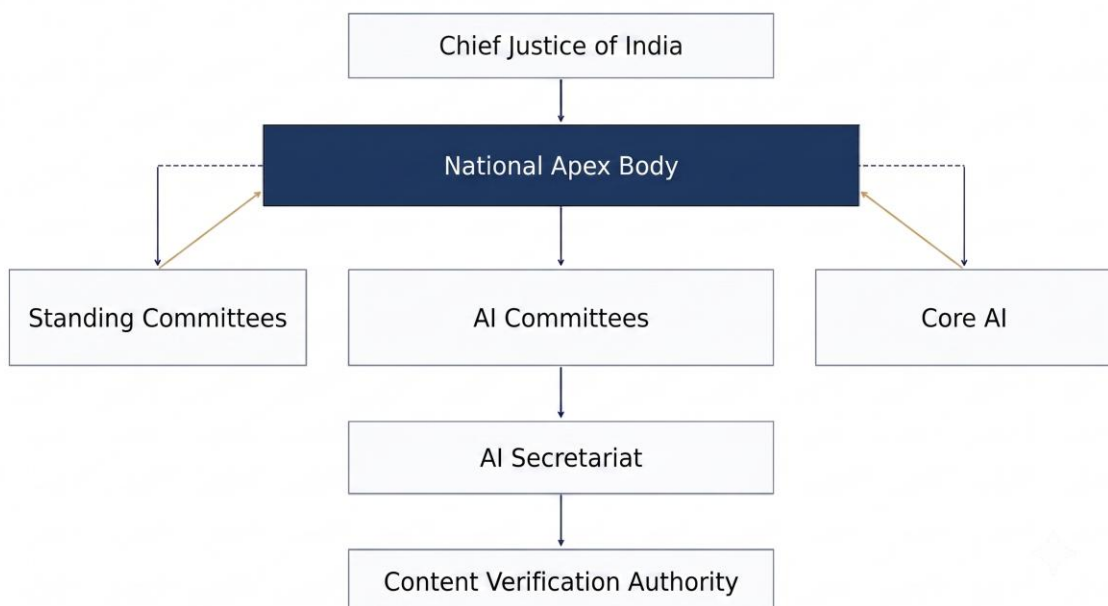


Figure 1: Governance Architecture under the Draft AI Regulations**3.2 Consequences of institutional complexity**

This extremely top-heavy expansion of administrative bodies creates following systemic issues:

AI approval process

Multiple bodies involved in AI approval process: The Apex Body is empowered to approve AI Systems proposed for use in Court processes under Regulation [24\(1\)\(b\)](#). At the same time, the AI Committees constituted for the Supreme Court and High Courts are also empowered to approve AI Systems for use within their respective jurisdictions under Regulation [33\(3\)\(a\)](#). The Regulations do not clarify whether approval by the AI Committee is sufficient, or whether both approvals are required sequentially. The absence of a clearly defined approval process creates uncertainty.

Technical evaluation

Before deployment, AI systems are subjected to Technical and Ethical Impact Assessment (Regulation [35\(2\)](#)) and Controlled Environment Testing (Regulation [36](#)). However, the Regulations simultaneously create CoRE-AI (Regulation [32\(3\)\(b\)](#)) which is also tasked with evaluation function of the AI tools to be used in the courts. The Regulations do not specify which institution is responsible for TEIA and CET. This creates the possibility of repetitive evaluations of the same AI system.

3.3 Lack of accountability

Responsibility for approvals/ audits/ cybersecurity are handled by multiple bodies. In such a case, determining institutional accountability after a system failure becomes considerably difficult.

Some examples are as below:

Approval of an AI System

The Draft AI Regulations confer approval powers both upon the Apex Body under Regulation [24\(1\)\(b\)](#) and upon the AI Committees under Regulation [33\(3\)\(a\)](#). If an AI system is subsequently found to have caused material errors, it is unclear whether responsibility lies with the AI Committee which approved the system for deployment within its jurisdiction or with the Apex Body which possesses approval powers in respect of AI systems used in Court processes.

Defective AI Output

Technical evaluation functions are distributed across multiple institutions including the Technical Committee and CoRE-AI. If a deployed AI system

generates inaccurate output, the Regulations do not clearly identify which institution bears responsibility for the failure of the evaluation process.

Cybersecurity incident

The cybersecurity functions are performed by multiple institutions.

- Under Regulation [30\(2\)](#), the Cyber Security Committee is specifically tasked with monitoring, evaluating and making recommendations concerning cybersecurity of AI systems, cybersecurity audits, vulnerability monitoring and compliance with cybersecurity and data protection standards.
- Regulation [35\(2\)\(d\)](#) requires every Technical and Ethical Impact Assessment to evaluate cybersecurity vulnerabilities and data protection measures before deployment.
- Under Regulation [36](#), Controlled Environment Testing must also assess cybersecurity before an AI system is approved for deployment.
- Regulation [48\(5\)](#) mandates periodic cybersecurity audits of deployed AI systems and requires the results of such audits to be reported to the Appropriate Authority and recorded in the AI Register.

If a data breach subsequently emerges, it is not immediately clear where primary institutional responsibility lies.

Audit failures

The audit functions under the Regulations are distributed across multiple institutions.

Under Regulation [33\(3\)\(e\)](#), the AI Committee is empowered to oversee the AI Secretariat and direct periodic audits of all Court AI Tools deployed within its jurisdiction.

- Regulation [38\(1\)](#) mandates periodic technical, legal and ethical audits of all Court AI Systems and AI Tools.
- Regulation [38\(4\)\(e\)](#) expressly grants the AI Secretariat the right to audit and inspect AI systems and their underlying data. Regulation [38\(5\)](#) requires continuous monitoring and periodic audits of AI Systems supplied, operated or maintained by private entities to be carried out by the AI Secretariat.
- Regulation [48\(5\)](#) requires every AI System to undergo periodic cybersecurity audits. Regulation [30\(2\)](#) entrusts the Cyber Security Committee with functions relating to cybersecurity audits.

If a significant defect, compliance failure or governance lapse subsequently emerges in a deployed AI System, it is not immediately clear where primary institutional responsibility lies. The Regulations do not expressly identify which authority bears ultimate responsibility for ensuring that audit findings are acted

upon. Greater clarity regarding audit ownership and accountability would strengthen both governance and enforcement under the regulatory framework.

4. Overlapping jurisdiction

The Draft AI Regulations create institutions with overlapping functions. Some of the examples of the overlapping functions include:

4.1 Judicial Committee and CDMC

The functions assigned to the Judicial Committee and the Case and Data Management Committee (“CDMC”) substantially overlap.

Regulation [26\(2\)](#) empowers the Judicial Committee to innovate, develop and deploy AI tools to assist in adjudication. Similarly, Regulation [29\(2\)](#) authorises the CDMC to innovate, develop and deploy AI for assistance in adjudication and legal research connected with the National Court Management System and State Court Management Systems.

4.2 Technical Committee and CoRE-AI

The functions assigned to the Technical Committee and the Centre of Research and Excellence on Artificial Intelligence (“CoRE-AI”) also overlap.

Under Regulation [27\(2\)](#), the Technical Committee is required to monitor developments in AI research and assess opportunities and risks arising from emerging technologies. At the same time, Regulation [32\(3\)](#) requires CoRE-AI to conduct research, evaluate AI tools and prototypes, provide technical advice and continuously monitor technological and legal developments relating to AI.

Both institutions appear to perform research, evaluation and monitoring functions.

4.3 Approval powers of Apex Body and AI Committees

A significant overlap exists in relation to approval powers.

Regulation [24\(1\)\(b\)](#) empowers the Apex Body to approve AI Systems proposed for use in Court processes. However, Regulation [33\(3\)\(a\)](#) also empowers AI Committees constituted at the Supreme Court and High Court levels to approve AI Systems for use within their respective jurisdictions.

The Regulations do not clearly specify whether approval by the AI Committee is sufficient, whether approval by the Apex Body is additionally required, or whether the two authorities exercise distinct approval functions.

4.4 Audit functions

Audit and monitoring functions are distributed across multiple institutions.

Regulation [33\(3\)\(e\)](#) empowers AI Committees to direct periodic audits of Court AI Tools. Regulation [30\(2\)](#) assigns cybersecurity audit and vulnerability monitoring functions to the Cyber Security Committee. In addition, the AI Secretariat is entrusted with continuous monitoring and periodic audits of AI Systems under Regulation [46\(5\)](#), while Regulation [38](#) contemplates broader technical, legal and ethical audits.

Greater clarity regarding audit ownership would strengthen accountability and reduce the possibility of fragmented oversight.

4.5 Incident management

The Regulations distribute incident-management responsibilities across multiple institutions.

The Apex Body is empowered under Regulation [23\(g\)](#) to hear grievances arising from AI Systems and AI Tools. Further, AI Committees are required to review AI incidents and direct remedial measures under Regulation [33\(3\)\(e\)\(i\)](#).

The Regulations do not clearly establish a hierarchy for reporting, escalation and resolution of AI incidents.

4.6 Standard setting

The relationship between national standards and local directions requires further clarification.

Under Regulation [24\(1\)\(a\)](#), the Apex Body is empowered to prescribe minimum mandatory standards and guidelines applicable across Courts. At the same time, Regulation [33\(3\)\(c\)](#) authorise AI Committees to issue supplementary directions tailored to local requirements.

The Regulations do not clearly define the scope of such supplementary directions issued by AI Committees.

5. SCAORA's recommendations

5.1 Recommendations in respect of governance framework (Bar representation)

The governance framework must be formally restructured

- to include the President of the SCAORA or his/ her nominee as permanent, ex-officio member of the Apex Body.
- the Secretary of SCAORA should be made part of AI sub-committees.
- practising advocates must be given seats on the Judicial Committee, the Case and Data Management Committee, and AI Committees

5.2 Recommendations to overcome functional overlaps

- The role of Apex Body role must be restricted to policy making and executing final statutory approvals.
- The five standing committees must not be given independent implementation or deployment powers.
- CoRE-AI should act as the centralized body for research hub, expert evaluation. Technical Committee can be scrapped.
- AI Committees must operate purely as local compliance entities. They shouldn't have independent approval or policy making powers. AI Committees should execute the mandates of the national Apex Body and enforce localized compliance requirements.
- AI Secretariat must act as support wing of the local AI Committee without exercising independent approval powers.

5.3 Recommendations for approval of AI System

A system should be established for approval of AI System. Following steps can be followed:

Step 1:

AI system is evaluated by CoRE-AI.

Step 2

Upon evaluation by Core AI, it should obtain clearance from the regional AI Committee.

Step 3

Final operational approval exclusively from the Apex Body.

Step 4

Live court deployment.

5.4 Recommendation to establish a clear escalation mechanism in case of AI Incident

The Regulations distribute incident-management responsibilities across multiple institutions as discussed.

The Regulations should clearly establish a hierarchy for reporting, escalation and resolution of AI incidents.

CHAPTER VII: OVERSIGHT, AUDITS AND INCIDENT MANAGEMENT

1. Introduction

Chapter V of Draft AI Regulations introduces mechanisms for oversight, audit, impact assessment, etc. SCAORA has conducted a comprehensive review of Chapter V of the Draft AI Regulations, and compared the proposed framework against the best global practices, *inter-alia*:

- UNESCO Guidelines on the use of AI System in Courts and Tribunals (2025)
- UNESCO Recommendation on the Ethics of Artificial Intelligence
- NIST, US Department of Commerce paper on AI Risk Management Framework 1.0 (NIST AI RMF 1.0)
- Framework Convention on Artificial Intelligence, Human Rights, the Rule of Law and Democracy, Council of Europe
- European Union Artificial Intelligence Act, 2024 (EU AI Act)
- Government of Canada Algorithmic Impact Assessment (Canada AIA)
- United Kingdom Algorithmic Transparency Recording Standard (UK ATRS)
- European Commission For The Efficiency of Justice (CEPEJ)'s Ethical Charter on the use of Artificial Intelligence in Judicial System and their Environment (December 2018)
- U.S. Federal Judiciary 2023 Year-End Report (Chief Justice Roberts)

A comparison reveals critical gaps. These gaps must be addressed to protect against any kind of automation bias.

2. Review of the draft clauses (Regulations 35–45) and SCAORA's objections

2.1 Technical and Ethical Impact Assessment (TEIA) proposed under Regulation 35

Regulation 35 mandates that the "Appropriate Authority" requires a comprehensive Technical and Ethical Impact Assessment (TEIA) for evaluating (a) architecture and functioning of the AI System; (b) nature/ source and quality of its training data, (c) risk of bias, (d) cybersecurity vulnerabilities, (e) explainability, (f) procedure for redressal in case of any harm and incident.

However, as per Regulation [35](#) the TEIA shall be done “*before approving any AI System for use in Court processes*”. SCAORA believes that restricting the TEIA to pre-deployment phase does not consider the dynamic and evolving nature of AI Systems. It is recommended that TEIA should be conducted at periodic intervals whenever there is any material change to the architecture, functionality, training data or intended use of the AI System. International AI governance frameworks also recognize that AI risks evolve and therefore require continuous monitoring.⁵

The TEIA should be made publicly available to enhance transparency and accountability of the AI Systems.

2.2 Sandboxing (Regulation [36](#))

Regulation [36](#) introduces Controlled Environment Testing (CET) stating the Appropriate Authority “*may, in suitable cases*” direct that an AI system be evaluated in an isolated environment supervised by the AI Secretariat.

The phrasing “*in suitable cases*” confers unfettered discretion. Objective parameters as to when sandboxing is mandatory should be specified. It is further recommended that CET be undertaken not only prior to deployment but also whenever there is any material modification to the functionality of the AI System.

2.3 Public access to AI Register

Regulation [37](#) mandates that each Court shall maintain an AI Register to document the (a) approved AI Systems, (b) purpose & scope of approved use, (c) identity of vendors, and (d) incident summaries, etc. However, the dissemination of AI Register for public access shall be subject to data protection, confidentiality and cybersecurity.

SCAORA believes that in cases where public access is likely to compromise data protection/ confidentiality, or cybersecurity, a redacted version of the AI Register shall be made available.

2.4 Review of the AI Systems already in use

Regulation [41](#) grants a grandfathering period of one year for existing court AI systems to be reviewed and ensure compliance with these AI systems already deployed with the Draft AI Regulations.

As per the publicly available information, the Supreme Court of India has already deployed following high-impact AI tools:

⁵ UNESCO, Guidelines for the Use of AI Systems in Courts and Tribunals, 2025; Regulation (EU) 2024/1689 (EU AI Act), Articles 17, 43 and 72; 4. Singapore IMDA Agentic AI Governance Framework, 2026

- SUVAS (Supreme Court Vidhik Anuvaad Software an AI-assisted translation of judgments into Indian languages.
- SUPACE (Supreme Court Portal for Assistance in Court Efficiency) an AI-assisted legal research, precedent identification, document extraction and case brief preparation for Judges.
- SU- SAHAYAK a chat-based AI Assistant on the website of Supreme Court
- AI based transcription system for real-time transcription of oral arguments and Constitution Bench proceedings.
- Speech-to-text systems for conversion of courtroom audio into searchable digital text records.
- e-SCR (Electronic Supreme Court Reports) an AI-enabled enhanced search feature for retrieval of precedents.

SCAORA is of the view that all such legacy AI Systems shall, within the grandfathering period, be:

- disclosed in a publicly accessible AI Register;
- subjected to a retrospective Technical and Ethical Impact Assessment (TEIA) under Regulation [35](#);
- reviewed through Controlled Environment Testing, where appropriate, under Regulation [36](#);
- classified according to their risk level and intended use;
- subjected to technical, legal and ethical audits under Regulation [38](#);
- reviewed for data governance, cybersecurity and privacy compliance;

This approach is consistent with international best practices which emphasise that existing AI Systems should not be exempted from regulatory scrutiny merely because they pre-date the regulatory framework.⁶

2.5 Auditing (Regulation [38](#))

Regulation [38](#) mandates that all court AI system shall undergo periodic technical, legal, and ethical audits. Crucially, Regulation [38](#)(2) mandates that these audits be conducted "in-house," categorically prohibiting the sharing of source codes, algorithms, or architectural data with any third party or external agency outside court premises.

SCAORA believes that while protecting sensitive court data is a legitimate constitutional objective, a total prohibition on external audit undermines institutional accountability. It is recommended that AI systems should also

⁶ UNESCO, Guidelines for the Use of AI Systems in Courts and Tribunals, 2025

undergo external audit. The UNESCO Guidelines for the Use of AI Systems in Courts and Tribunals (2025) emphasize transparency and accountability of AI Systems. Similarly, the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their Environment (CEPEJ, Council of Europe) also advocates independent scrutiny of AI tools used within the justice system. Further, the EU AI Act (Regulation (EU) 2024/1689) also contemplates regulatory oversight involving external auditors.

2.6 AI Incident Database (Regulation 39)

Regulation 39 sets up an AI Incident Database managed by local AI Secretariats. However, the framework in its current form does not provide for ‘categorizations’ for incident or severity involved i.e., whether the AI Incident is critical data breach or is just a minor transcription error). Further, no provisions exist for fixing accountability or timeline for fixing the incidents.

2.7 Exclusion of the Supreme Court from the fall-back framework (Regulation 42) and the annual transparency report (Regulation 45)

Regulation 42 requires every High Court to design an emergency manual fall-back protocol to ensure continuity of essential services during AI downtime. Regulation 45 similarly obligates High Courts, Tribunals, and Commissions to publish an Annual Transparency Report on AI adoption.

There is no rational legal basis for excluding the Supreme Court of India from the obligations of maintaining emergency fall-back protocols under Regulation 42 or publishing Annual Transparency Reports under Regulation 45.

2.8 Disclosure demands on the practising Bar (Regulation 43(3) and (4))

Regulation 43(3) & (4) mandates that any advocate or litigant utilizing an AI tool to prepare any document, pleading, or evidence must disclose the AI assisted character of that material at the time of submission through a formal certificate or declaration.

SCAORA strongly opposes Regulation 43(3) and (4) as unjustified. Advocates are officers of the court already bound by strict statutory codes of professional conduct and ethical boundaries under the Advocates Act, 1961 as well as the Supreme Court Rules, 2013. A lawyer may utilize external AI system to sharpen its legal reasoning. However, the ultimate filing remains the sole responsibility of that advocate, who personally vouches for the accuracy of its contents. Requiring lawyers to constantly file declarations for using everyday software is unworkable as it can prejudice the party who the Advocate is representing or even the presiding Judicial Officer.

Instead of the disclosure requirement specified in Regulation 43(3) & (4), SCAORA recommends amending the existing SLP certificate. This would avoid

forcing lawyers to disclose routine use of AI while at the same time targeting the actual threat of hallucinated content or unverified citations. The SLP Certificate can be amended to provide following specific insertion:

"...[INSERT] It is further certified that all legal citations, judicial precedents, and statutory authorities relied upon in this Petition have been personally verified for accuracy. [END INSERT]"

This would reinforce that under the Advocates Act, the lawyer is already fully responsible for their pleadings.

2.9 Content Verification Authority (Regulation 44)

Regulation 44 creates a dedicated institutional authority designated as "AI Content Verification Authority".

The draft provides absolutely no parameters guiding the scope of this authority. For instance, in a trial a party claims that evidence submitted by another party is AI Generated. What is the procedure to be followed is not clear. In how much is the AI Verification Authority supposed to give its findings? Or are the findings of AI Content Verification Authority binding? Does the ongoing trial stand deferred? Can independent forensic experts participate in the verification process? In the absence of aforesaid details, this authority threatens to derail standard trial procedures.

3. SCAORA's recommendations

Sl. No.	Brief Overview of Regulation	Gap Identified	SCAORA Recommendation
1	Regulation 35(1), (2) & (3) Requires a TEIA before approval of any AI System.	TEIA is conceived only to pre-deployment of AI System and does not account for the evolving nature of AI Systems.	Fresh TEIA should be mandatory upon material changes to architecture, functionality, training data, or intended use of AI System. TEIA should be publicly available to ensure transparency and accountability.
2	Regulation 36(1) & (3)	Phrase "in suitable cases" confers discretion.	Criteria should be prescribed to identify cases where sandboxing is mandatory.

	Permits Controlled Environment Testing in “suitable cases”.		CET should also be required whenever there is material modification.
3	Regulation 37 Requires maintenance of AI Register.	Public access may be denied on grounds of confidentiality, data protection or cybersecurity.	Even if full disclosure is not possible, a suitably redacted version of the AI Register should be made publicly accessible.
4	Regulation 38 (1) Audit	Audit framework lacks independence.	High-risk AI Systems should be subject to external audits in addition to internal audits.
5	Regulation 39 Establishes AI Incident Database maintained by AI Secretariat.	No categorization of incidents. No timelines for reporting, rectification or closure. No accountability framework.	Introduce incident classification framework (critical, major, minor), reporting timelines, rectification timelines and accountability mechanisms.
6	Regulation 41 Legacy AI Systems Grants one-year period for existing AI Systems.	No roadmap for retrospective review of AI Systems already deployed.	All legacy AI Systems (including SUVAS, SUPACE, SU-SAHAYAK, and e-SCR tools) should be disclosed and subjected to retrospective TEIA, audits, and cybersecurity review.
7	Regulation 42 Requires High Courts to establish emergency manual fall-back mechanisms.	Supreme Court is excluded.	Regulation should expressly apply to the Supreme Court as well.

8	Regulation 43(3) & 43(4) Disclosure of AI use by Advocates Requires disclosure whenever AI tools are used in preparation of pleadings, documents or evidence by the Advocates.	Ignore existing professional obligations under the Advocates Act and Supreme Court Rules.	Delete mandatory disclosure requirement. Instead, amend existing filing certificates in the SLPs. Specific insertions recommended above.
9	Regulation 44 - AI Content Verification Authority Creates a specialized authority to verify AI-generated content.	Scope, power, and procedure are entirely unclear.	The scope and powers of AI Content Verification Authority need to be clearly delineated.
10	Regulation 45 Annual Transparency Report Requires High Courts, Tribunals and Commissions to publish annual reports on AI adoption.	Supreme Court is excluded.	Requirement should apply equally to the Supreme Court.

CHAPTER VIII: PROCUREMENT AND PRIVATE SECTOR ENGAGEMENT

1. Introduction

Chapter VI of Draft AI Regulations handles the interface between court administration and private vendors.

2. Review of Regulation 46 and SCAORA's objections

2.1 Harmonisation with the DPDP Act, 2023 (Regulation 46(2))

Regulation 46(2) of Draft AI Regulations subjects all proposals for private sector engagement to a comprehensive evaluation covering technical capability, legal compliance, ethical standards, data security practices, and financial standing prior to written approval by the Appropriate Authority.

SCAORA believes that to safeguard judicial data integrity, the evaluation criteria for private vendors should mandate disclosures regarding ultimate beneficial ownership (UBO), foreign control, litigation history, conflicts of interest, compliance with Indian data residency requirements.

2.2 Centralisation of procurement rule-making (Regulation 46(3))

Regulation 46(3) states that the procurement of AI Systems shall be governed by such procedures as the Chief Justice may determine.

SCAORA believes that procurement procedures must be formulated by the Apex Body to ensure standardization. The Apex Body should prescribe minimum model procurement standards, uniform eligibility thresholds, centralized evaluation metrics, and model contract clauses.

2.3 Deficiencies in contractual minimums and high-risk definitions (Regulation 46(4))

Regulation 46(4) lists twelve mandatory contractual terms (clauses a through l) to be inserted into all vendor agreements. While the clauses are strong, there are some important omissions in Regulation 46(4):

- Definition of High-Risk AI Tools (Clause h): The regulation mandates explainability documentation for all 'High-Risk AI Tools' but completely fails to define what constitutes a high-risk system.
- Indemnity cover (Clauses i & l): Regulation 46(4)(i) requires a mandatory indemnity clause protecting the Court from liability caused by vendor

defects, and clause (l) protects litigants. However, practising Advocates are entirely left out of the indemnity provisions in the regulations.

2.4 Documentation of frontier models

Regulation 46(4)(g) requires "*complete technical documentation of the architecture and training data of the AI System*".

SCAORA believes that this requirement does not reflect the present realities of the AI ecosystem. Modern AI systems are increasingly not developed from scratch. Instead, these systems deploy applications that are built upon frontier models such as OpenAI's GPT, Google's Gemini models, Anthropic's Claude or other foundation models accessed through APIs. In such cases, the vendor may neither possess nor have the contractual right to disclose the complete model architecture, training datasets or technical documentation which would fulfil the requirement of Regulation 46(4). Further, a growing number of AI systems rely on open-source models such as China's DeepSeek which are customised or integrated with localised AI systems. In such deployments, it will be very difficult to fulfil the requirements of Regulation 46(4).

Regulation 46(4)(g) could inadvertently prevent Courts from procuring or using some of the most advanced and widely used AI technologies currently available globally like GPT, Claude, etc.

Regulation 46(4)(g) should distinguish between:

- (i) AI Systems developed and owned by the vendor;
- (ii) AI Systems built upon third-party foundation models; and
- (iii) AI Systems based on open-source foundation models.

The AI Committee of the Supreme Court must weigh the fact that OpenAI or Google might refuse disclosure. In such a case, what should be the disclosure requirements of the vendors who have built over and above the frontier models is a question that needs very specific answer.

2.5 Missing provisions

SCAORA identifies two vital operational provisions that are entirely missing from Regulation 46:

- Vendor exit, data portability, and deletion standards: The Draft AI Regulations assert court data sovereignty. However, in case a vendor's contract is cancelled or terminated, the regulations do not provide for exit protocols. Vendor agreements must include clear terms governing how data

is extracted and permanently deleted from vendor systems upon termination.

- Prohibition on sub-contracting: There is no express text restricting private vendors from sharing court data with sub-processors, open-source communities, or offshore data facilities, creating severe data breach risks.

3. Consolidated recommendations

Sl. No.	Regulation	Gap identified	SCAORA Recommendation
1	Regulation <u>46(2)</u>: Evaluation of Private Vendors	The evaluation criteria do not expressly address the vendor's ownership structure, foreign control, conflicts of interest, litigation history, or data-sovereignty risks.	Require vendors to disclose ultimate beneficial ownership (UBO), foreign ownership or control, litigation and regulatory history, conflict-of-interest declarations, data-residency arrangements, and compliance with Indian data-localization requirements.
2	Regulation <u>46(3)</u>: Procurement Framework	Procurement of AI Systems is left to procedures determined by the Chief Justice, which may lead to inconsistent standards across courts.	Provide that minimum procurement standards are centrally prescribed by the Apex Body, including eligibility thresholds, evaluation metrics, and model contractual clauses.
3	Regulation <u>46(4)(h)</u>: High-Risk AI Tools	The Draft Regulations require explainability documentation for "High-Risk AI Tools" but do not define that term.	Insert a clear definition of "High-Risk AI Tool" and specify the criteria for classifying an AI System as high risk.
4	Regulation <u>46(4)(i)</u> and (l): Indemnity and Liability Protection	Practicing advocates, who are key users of judicial AI infrastructure, are excluded from the indemnity and liability protections currently contemplated.	Extend appropriate contractual protections and liability-allocation mechanisms to advocates who suffer harm due to defects in vendor-supplied AI Systems.

Sl. No.	Regulation	Gap identified	SCAORA Recommendation
5	Regulation <u>46(4)(g)</u>: Technical Documentation	Modern AI Systems often rely on third-party frontier models accessed through APIs, or on open-source foundation models. Vendors may not possess, control, or have the legal right to disclose complete model architecture or training datasets for such systems.	Differentiate between: (i) proprietary AI Systems developed by the vendor; (ii) systems built on third-party foundation models; and (iii) systems built on open-source foundation models. Develop tailored disclosure norms for each category.
6	Regulation <u>46(4)</u>: Vendor Exit and Data Portability	The Draft Regulations do not contain sufficient provisions governing vendor exit, transition assistance, or data portability.	Mandate contractual provisions for orderly exit, transition assistance, and secure data portability when a vendor engagement ends.
7	Regulation <u>46(4)</u>: Court Data Sovereignty	There is no express requirement for permanent deletion of Court data after termination of a vendor engagement.	Require vendors to permanently delete Court data after termination and to certify such deletion within a prescribed timeframe.
8	Regulation <u>46</u>: Subcontracting and Offshore Processing	The Draft Regulations do not expressly restrict subcontracting, use of sub-processors, or offshore processing of Court data.	Prohibit subcontracting, offshore transfers, or sharing of Court data without prior written approval of the Appropriate Authority and full disclosure of all entities involved.

CHAPTER IX: CAPACITY BUILDING, TRAINING AND MISCELLANEOUS PROVISIONS

1. Introduction

SCAORA has reviewed the remaining Chapters of the Draft AI Regulations, 2026, dealing with capacity building, training and best practices (Chapter VIII, Regulations [49](#) to [51](#)) and the miscellaneous provisions (Chapter X, Regulations [54](#) to [57](#)), and offers the following consolidated comments. Several of the concerns arising under these provisions have already been addressed in the preceding Chapters and are cross-referred.

2. Capacity building, training and best practices (Regulations [49–51](#))

2.1 Involvement of the Bar in training (Regulation [49](#))

Regulation [49](#) requires Judges, advocates and Court staff who use or interact with AI Systems to receive regular, structured training. Regulation [49\(3\)](#), however, contemplates that the training programmes will be developed by the AI Secretariat in consultation with domain experts and judicial training institutions. As advocates are among the principal end-users of Court AI Systems, SCAORA submits that training modules for advocates should be developed in consultation with Bar bodies, including SCAORA.

2.2 Harm arising from permitted, and not only prohibited, use

The training curriculum under Regulation [49\(3\)](#) should ensure that participants understand the risks arising not only from prohibited uses of AI, but also from its permitted uses. Harm to litigants may equally result from the ordinary, permitted operation of an AI System, for example through automation bias, hallucination or technical error, and the training should expressly address the identification and mitigation of such harm.

3. Miscellaneous provisions (Regulations [54–57](#))

3.1 Regulation [54\(2\)](#): the Regulations as minimum mandatory safeguards

Regulation [54\(2\)](#) presently provides that, in the event of any inconsistency between these Regulations and any other law, the provisions of such other law shall prevail. SCAORA submits that these Regulations should operate as minimum mandatory safeguards for the use of AI in Court processes. No administrative direction or circular should be permitted to dilute them.

RESPECTFULLY SUBMITTED

The Supreme Court Advocates-on-Record Association respectfully submits these comments and recommendations for consideration while finalising the Draft Regulations for Use of Artificial Intelligence in Courts, 2026.

Place: New Delhi

Date: 15.07.2026



Devvrat

President

Supreme Court Advocates-on-Record Association



Nikhil Jain

Vice President

Supreme Court Advocates-on-Record Association



Yugandhara Pawar Jha

Honorary Secretary

Supreme Court Advocates-on-Record Association

For and on behalf of the SCAORA AI Sub-Committee

ANNEXURE A: LIST OF AUTHORITIES AND SOURCE MATERIALS

The following authorities and source materials are referred to in the report.

Judgments

- Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd. [Civil Appeal No. 11950 of 2025; neutral/SCC citation to be confirmed].
- K.S. Puttaswamy (Retd.) v. Union of India [(2017) 10 SCC 1].
- Vishaka v. State of Rajasthan [(1997) 6 SCC 241].

Statutes and rules

- The Constitution of India [Articles 142, 145 and 146].
- The Digital Personal Data Protection Act, 2023.
- The Supreme Court Rules, 2013.
- Draft Regulations for Use of Artificial Intelligence (AI) in Courts, 2026 [source instrument under comment].

Official notifications

- Digital Personal Data Protection Rules, 2025.
- Notification constituting the Data Protection Board of India.

Books

- Kumar, Milind, and Charu Mathur. Artificial Intelligence and the Law: Navigating the New Frontier. Mohan Law House, 2026.
- Deakin, Simon, and Christopher Markou, eds. Is Law Computable? Critical Perspectives on Law and Artificial Intelligence. Oxford: Hart Publishing, 2020.
- Gupta, Smita, Namita Singh Malik, Ardyllis Alves Soares, B. Balamurugan, and Sneha Dhillon, eds. Artificial Intelligence for Legal System: Jurisprudence in the Digital Age. Chapman & Hall/CRC, 2026.

Comparative instruments

- General Data Protection Regulation (GDPR), Regulation (EU) 2016/679 [Article 55(3)].

Committee reports

- UNESCO Guidelines on the Use of AI Systems in Courts and Tribunals (2025).
- UNESCO Recommendation on the Ethics of Artificial Intelligence.
- NIST AI Risk Management Framework 1.0 (NIST AI RMF 1.0).
- Framework Convention on Artificial Intelligence, Human Rights, the Rule of Law and Democracy, Council of Europe.

- European Union Artificial Intelligence Act, 2024 (EU AI Act) also cited as Regulation (EU) 2024/1689.
- Government of Canada Algorithmic Impact Assessment (Canada AIA).
- United Kingdom Algorithmic Transparency Recording Standard (UK ATRS).
- CEPEJ European Ethical Charter on the Use of AI in Judicial Systems and their Environment (December 2018).
- General Data Protection Regulation (GDPR), Regulation (EU) 2016/679 — Article 55(3).

Official sources concerning existing AI deployments

- SUVAS (Supreme Court Vidhik Anuvaad Software).
- SUPACE (Supreme Court Portal for Assistance in Courts Efficiency).
- e-SCR (Electronic Supreme Court Reports).
- e-Filing (e-Filing 3.0 module).
- SuSahayak v1.0.

ANNEXURE B: DRAFT REGULATIONS FOR USE OF ARTIFICIAL INTELLIGENCE IN COURTS, 2026

CHAPTER I PRELIMINARY

1. Short title and commencement.— (1) These regulations may be called the “Regulations for Use of Artificial Intelligence in Courts, 2026”. [↩ back to text](#)

(2) These regulations, or any provision thereof, shall come into force —

(a) in their application to the Supreme Court of India, on such date as the Chief Justice of India may, by notification in the Official Gazette, appoint; and

(b) in their application to a High Court, and to all Courts, Tribunals and statutory Commissions falling within the jurisdiction of such High Court, on such date as the Chief Justice of the respective High Court may, by notification, appoint, and different dates may be appointed for different provisions of these regulations.

2. Application.— They shall apply to the use, deployment, or integration of Artificial Intelligence in any judicial, adjudicatory or administrative function of the Supreme Court of India, High Courts, and all Courts including the Tribunals and statutory Commissions performing adjudicatory functions, within the territory of India. [↩ back to text](#)

3. Definitions. — (1) Unless the context otherwise requires,— [↩ back to text](#)

(a) “adjudicatory function” includes any function of a Court that directly involves the application of law to facts for the purpose of determining the rights, liabilities, status, or obligations of any party, including the hearing and disposal of suits, appeals, revisions, petitions and applications, the recording of evidence, the framing of issues, the passing of orders on merits, and the pronouncement of judgments and sentences;

(b) “administrative function” includes any function of a Court, other than an adjudicatory function, such as, case filing and registration, cause-list preparation, scheduling and listing of matters, issuance of notices, summons and process, maintenance of records and registers, defect scrutiny, fee computation, certified copy issuance, and other ministerial and secretarial functions of the Court

Registry, and the term “administrative” shall be construed accordingly;

- (c) “AI Audit” means the oversight and accountability mechanism provided under Regulation 38 of these Regulations;
- (d) “AI Committee” means the Committee of Judges constituted in the Supreme Court or in each High Court for the purposes of these regulations under regulation 33;
- (e) “AI Incident” means any event, in which the use, operation, failure, erroneous output or malfunction of an AI System, directly or indirectly, results in, or creates a substantial risk of harm to any person, or infringement of any right, or disruption of any Court process, or a breach of data security or confidentiality;
- (f) “AI Register” means the official register required to be maintained by the Court under regulation 37;
- (g) “AI Secretariat” means the secretariat established under Regulation 34 of these Regulations.
- (h) “AI Service Provider” includes any organisation which, or a person who, by virtue of a contract, designs, develops, trains, fine-tunes, or integrates an AI System for deployment in any Court process, and assumes express or implied contractual, statutory, or regulatory obligation towards the Court and remains accountable for the performance, accuracy, fairness, transparency, and security of such AI System throughout its lifecycle;
- (i) “AI System” or “AI Tool” includes any software, platform, application, device, or process that employs Artificial Intelligence to perform tasks in connection with any Court process;
- (j) “Algorithmic Decision-Making (ADM)” means the use of outputs produced by algorithms (whether in whole or in part) to inform, recommend, or arrive at a decision affecting any person or process;
- (k) “anonymization” means the process of irreversibly altering or removing personal information from a dataset such that the data subject cannot be identified, directly or indirectly, including by reference to any name, identification number, location data, or any other factor specific to the identity of that person;
- (l) “Appropriate Authority” means--
 - (i) the Apex Body at the Supreme Court of India; or
 - (ii) the AI Committee at the respective High Court or Tribunal or Commission,

as the case may be, under whose administrative control an AI System is deployed or proposed to be deployed;

(m) “Artificial Intelligence (AI)” refers to a machine-based system that infers, learns, and generates decisions, predictions, and recommendations from data, with a varying degree of autonomy, such as, algorithms, computational processes, and software, deployed for court processes, excluding general-purpose software or digital tools, unless such software or tools are specifically embedded with, augmented by, or functionally dependent upon, artificial intelligence;

(n) “Black Box” refers to an AI System, which typically employs deep learning techniques and whose internal processes and decision-making logic are not transparent, comprehensible, or capable of being explained by reference to identifiable rules or factors accessible to the user or affected person;

(na) “Controlled Environment Testing” means a secure, controlled and isolated testing environment created to enable the development, testing or evaluation of software, applications, systems or processes for use in Court processes, wherein the activities carried out within such environment do not affect, interfere with, or compromise the integrity, security, or functioning of the primary operational system or network of any Court;

(o) “Court” means the Supreme Court of India, the respective High Courts and all Courts including Tribunals and statutory Commissions performing adjudicatory functions within the territory of India;

(p) “Court data” means any data generated by or in possession of a Court;

(q) “Court process” includes any work, function, or activity relating to the adjudicatory, quasi-adjudicatory, or administrative functions of a Court, including but not limited to filing, scheduling, hearing management, evidence handling, legal research, drafting, translation, transcription, and record management;

(r) “cyber security” shall have the same meaning as assigned to it in clause (nb) of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000);

(s) “data” shall have the same meaning as assigned to it in clause (h) of section 2 of the Digital Personal Data Protection Act, 2023 (22 of 2023);

- (t) “data minimisation” means the principle that an AI System shall collect, process and retain only such personal data as is strictly necessary for the specific purpose for which it is deployed, and shall not collect, aggregate, or retain personal data beyond the minimum required for that purpose; and such principle shall apply at the stages of system design, procurement, deployment and audit;
- (u) “Designated Officer” means a judicial officer or a Court officer specifically nominated by the Appropriate Authority to supervise, verify, and take responsibility for the use of a specified AI System or AI Tool in a Court process;
- (v) “Ethical Impact Assessment” means a structured pre-and-post-deployment evaluation, as specified by the Appropriate Authority, of the design and deployment of an AI System or AI Tool, proposed for use or deployed in Court processes, against the general principles specified under Chapter II;
- (w) “explainability” means the capacity of an AI System to generate a comprehensible account of the reasoning, factors, weightings, and process by which it arrived at a particular output, recommendation, or decision, in terms that can be understood by the judicial officer, court staff, or litigant, to whom such account is directed; and an AI System shall be considered explainable, if such account may be provided upon request without requiring specialist technical knowledge on the part of the recipient;
- (x) “external system” means any computing infrastructure, server, software platform or network, not owned, managed, or directly controlled by the Court or the Appropriate Authority;
- (y) “Generative Artificial Intelligence (GenAI)” means a class of AI Systems designed to generate new content (including text, images, audio, video, and computer code) by learning statistical patterns and structures from large volumes of existing data; and no such GenAI-generated content shall be filed or produced before any Court, without mandatory disclosure of its origin and verification through a designated centralised mechanism, as may be decided by the Appropriate Authority;
- (z) “hallucination” means a phenomenon in AI Systems, that generate outputs that appear plausible or coherent, which are factually incorrect, fabricated, misleading, or unsupported by verifiable data or source material, including fabrication, misstatement, or erroneous representation of legal facts, evidence, case precedents, statutory provisions, rules, or legal principles;

(za) “harm”, in relation to AI Incidents, includes any kind of physical or financial damage, or damage to the reputation or rights of any individual, institution, or infrastructure;

(zb) “Human-in-the-Loop (HITL)” means a governance process in which the outputs, recommendations, or results generated by an AI System or AI Tool are subject to mandatory human review, supervision and verification, with final decision-making authority, responsibility, and accountability resting at all times with a human;

(zc) “Institutional Head” means the Chairperson or President of a Tribunal or Commission performing adjudicatory functions, under whose administrative authority it functions;

(zd) “Large Language Model (LLM)” means a type of AI System trained on extensive textual datasets to understand, generate and transform natural language, capable of performing tasks including translation, summarisation, legal research assistance and text generation;

(ze) “Machine Learning (ML)” means a subset of Artificial Intelligence that enables systems to learn from data and improve their performance on specific tasks without being explicitly programmed for each such task, by identifying patterns and generating predictive or analytical outputs;

(zf) “private entity” means any company, firm, partnership, trust, society, or other legal entity, whether incorporated or not, that is not owned, controlled, or managed by the Central Government or any State Government, and includes foreign entities and their subsidiaries or representatives operating in India;

(zg) “Risk Scoring” means the use of an AI System to assign a numerical or categorical score to an individual that purports to estimate the probability of that person engaging in a specified future behaviour, including the commission of an offence, recidivism, or failure to appear before a Court;

(zh) “sensitive judicial data” includes any personal identifiable information of parties, witnesses, or legal representatives and any information processed in connection with a Court process, the unauthorised disclosure of which may cause harm;

(zi) “synthetic data or synthetic information” includes any audio, visual, audio-visual, or text-based data generated, modified, or produced by an AI System or AI Tool, including large language models, machine learning, or natural language processing systems, that mimics statistical properties of real data without being directly collected from real-world

events or persons, but do not include data produced by established mathematical or scientific modelling that is not AI-assisted; and

(2) Words and expressions used herein and not defined but defined in the Digital Personal Data Protection Act, 2023 (22 of 2023) or the Information Technology Act, 2000 (21 of 2000) shall have the same meanings as respectively assigned to them in the said Acts.

CHAPTER II

GENERAL PRINCIPLES TO GOVERN ADOPTION, DEPLOYMENT AND USE OF AI SYSTEMS IN COURTS

4. Human primacy and judicial independence.— (1) The use of Artificial Intelligence in Court processes shall at all times remain strictly subservient to human judgment and judicial authority. [↔ back to text](#)

(2) Every AI System shall function solely in an assistive capacity and shall not supplant or compromise the independent exercise of judicial authority by a duly appointed judicial officer.

(3) The ultimate authority to determine matters of law, fact and justice shall vest exclusively in the judicial officers of the competent jurisdiction.

5. Rule of law.— (1) The adoption and use of AI Systems in Courts shall be consistent with the provisions of the Constitution and any other law for the time being in force including the principles of natural justice and shall not be used in any manner that could undermine due process, the right to a fair trial, equality before law, or access to justice.

(2) The Bangalore Principles of Judicial Conduct (adopted in 2002) shall, in addition to these regulations, continue to govern the conduct of judicial officers in all matters, including those involving the use of AI.

6. Fairness and non-discrimination.— (1) The AI Systems used in Court processes shall be designed, trained and deployed in a manner that promotes fairness and avoids discrimination.

(2) No AI System shall be deployed that perpetuates, amplifies, or introduces bias on the grounds of race, religion, caste, sex, gender, disability, language, economic status, or any other ground prohibited under the Constitution or any law for the time being in force and special care shall be taken to protect the rights and interests of vulnerable groups including women, children, persons with disabilities, marginalised and minority communities, and persons from economically and socially disadvantaged backgrounds.

7. Transparency and explainability.— (1) Every AI System used in Court processes shall meet high standards of transparency and explainability. ↩

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(2) The functioning, data inputs and decision logic of any AI System used in a Court process shall be capable of being understood and, where appropriate, be explained to judicial officers, the parties concerned and the public.

(3) The deployment of AI Systems that are opaque or incapable of explanation shall be subject to heightened scrutiny and shall be restricted in high-risk applications affecting personal liberty or any lawful right of a person.

8. Accountability.— (1) Accountability for all decisions made by any officer with the assistance of AI shall rest exclusively upon such officer and it shall not be permissible to invoke the outputs of an AI System, the opaqueness of a Black Box system, or the occurrence of hallucination, as a ground for avoiding accountability for a palpably incorrect, illegal, or harmful decision.

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(2) The Appropriate Authority shall ensure that clear and documented lines of accountability are established and maintained for the operation of every AI System or AI Tool in a Court.

(3) Where any AI-generated output or information is used in any Court, it shall be treated as advisory in nature and reasonable care shall be taken to verify the accuracy of such output before the same is utilised:

Provided that the officer responsible and accountable for using such AI Tool may, for reasons to be recorded in writing, dispense with the requirement of verification:

Provided further that such AI tools used exclusively for administrative (non-adjudicatory) functions and certified by the AI Secretariat to have established reliability, shall be deemed to satisfy verification requirements on a class basis, without requiring prior verification.

9. Auditability and continuous oversight.-- (1) Every AI System in use in Court processes shall be subject to continuous monitoring and periodic technical, legal and ethical audits throughout their lifecycle and adequate mechanisms shall be established to detect, document and address errors, malfunctions and biases.

(2) Audit findings shall be recorded and disclosed in accordance with these regulations, and shall decide upon the continued deployment of AI Systems in Courts.

- 10. Data protection and privacy.--** (1) The processing of personal data through AI Systems shall be governed by the principles of purpose limitation, data minimisation and data privacy by design in accordance with the provisions of the Digital Personal Data Protection Act, 2023 (22 of 2023) or any other law for the time being in force, and sensitive judicial data shall be accorded the highest standard of protection. [↩ back to text](#)
- (2) The right to privacy shall be ensured in all AI related operations of Courts.
- 11. Purpose limitation.--** AI Systems shall be deployed and used solely for specific purposes for which they have been approved by the Appropriate Authority and any use of an AI System beyond the scope of its approved purpose shall require a separate and specific approval of the Appropriate Authority, which shall record reasons therefor.
- 12. Proportionality.--** (1) The use of AI in any Court process shall be proportionate to the nature, complexity and risk profile of the relevant task.
- (2) Applications involving higher levels of risk to personal liberty or any lawful right of a person, or the integrity of judicial outcomes shall be subject to correspondingly heightened safeguards including mandatory Human-in-the-Loop requirements and independent oversight.
- 13. Inclusivity and accessibility.--** (1) AI Systems deployed in Courts shall be designed and operated to promote inclusivity and expand equitable access to justice.
- (2) Specific attention shall be given to ensuring that the deployment of AI does not create or widen digital divides and that the benefits of AI-assisted judicial services are extended fairly to all stakeholders including those from rural, economically disadvantaged, or linguistically diverse communities.
- 14. Data integrity.--** (1) AI Systems used in Court processes shall be trained and operated on the basis of data that is accurate, representative, lawfully obtained and to the extent feasible, free from discriminatory bias. [↩ back to text](#)
- (2) The deployment of AI Systems, trained on unlawfully collected or demonstrably biased datasets, shall be prohibited.
- 15. Cyber security.--** The confidentiality, integrity and availability of Court data, processed through or stored in AI Systems, shall be protected by robust, layered and continuously updated technical and organisational security measures, commensurate with the sensitivity of the data and the nature of the Court process. [↩ back to text](#)
- 16. Presumption in favour of responsible AI adoption.--** (1) Every Court shall actively seek opportunities to deploy AI Systems or AI Tools that demonstrably improve access to justice, reduce delays, or enhance

administrative efficiency, and unless proved otherwise, the presumption shall be in favour of responsible adoption of AI in Court processes:

Provided that no AI System or AI Tool used for the purpose of assistance in Court processes, shall replace humans as far as decision-making is concerned, and shall not be deployed for dispute-outcome prediction.

(2) The restriction on, or refusal to permit, the use of any AI System or AI Tool, shall be for reasons to be recorded in writing, and such restriction shall be reasonable and to such extent so as to address the concern identified.

17. Innovation over Restraint— (1) The adoption of Artificial Intelligence in Court processes shall be pursued, in a responsible manner, as a catalyst for impactful innovation in the justice delivery system; and the exploration, development and integration of AI Systems and AI Tools that demonstrably further the goals of judicial efficiency and easy access to justice shall be actively encouraged. [↩ back to text](#)

(2) All innovation under sub-regulation (1) shall be carried out with due regard to the other general principles set out in this Chapter, so as to maximise the overall benefit of AI adoption while eliminating or minimising potential harm; and, all other things being equal, an approach that prefers active and responsible adoption over restraint shall be encouraged.

CHAPTER III PERMISSIBLE AND PROHIBITED USES

18. Appropriate Authority to identify use of AI in Courts.-- The Appropriate Authority shall determine, from time to time, the areas of Court processes in which AI Systems may be utilised, in accordance with the provisions of these regulations. [↩ back to text](#)

19. Permissible uses of AI.-- (1) Subject to prior approval in writing by the Appropriate Authority and to the supervision and verification of officers nominated for that purpose, AI Systems may be used for the following purposes, which are illustrative and not exhaustive:-- [↩ back to text](#)

- (a) case management (including identification of defects in new filings), cause list preparation, hearing scheduling and docket prioritisation;
- (b) automated transcription of court proceedings, subject to mandatory review and certification of accuracy by a Designated Officer;
- (c) translation of judgments, orders, pleadings and other legal documents, subject to human verification of accuracy and fidelity to the original;

- (d) legal research, precedent retrieval, citation verification and document summarisation;
 - (e) administrative functions including case filing assistance, defect scrutiny, record management and judicial resource allocation;
 - (f) conversational AI Assistants and guided chatbots to assist litigants and other stakeholders in accessing Court services and understanding procedural requirements, subject to human oversight of their functioning;
 - (g) accessibility services including text-to-speech, speech-to-text, Braille translation and visual assistance tools, for persons with disabilities or language barriers;
 - (h) document authenticity verification and fraud detection in administrative processes, subject to mandatory human review of all outputs before any action is taken;
 - (i) anonymisation of judgments, orders and Court records for publication in the public domain;
 - (j) analytical tools for judicial administration, court performance assessment and backlog monitoring and management; and
 - (k) auto-generation of prescribed formats, notices and summons with metadata merge including automated preparation of administrative documents.
- (2) Any use of AI not enumerated under sub-regulation (1), or not otherwise specifically approved, shall require the prior written approval of the Appropriate Authority, which shall record reasons for the grant or refusal of such approval.

20. Prohibited uses of AI.-- (1) The following uses of AI are strictly prohibited in all Court processes. These prohibitions are absolute and non-derogable, and shall not be subject to relaxation or modification by any authority under these Regulations, including under the power conferred by Regulation 19(1)-- [*↩ back to text*](#)

- (a) no personal data of any person shall be used to train, test, or refine any AI System without the prior approval of the Appropriate Authority and, where applicable, in compliance with applicable data protection law;
- (b) no judicial outcome (including any judgment, order, or finding of fact or law) shall be reached through Algorithmic Decision-Making alone or solely on the basis of AI-generated information, data, or analysis and the human judicial authority shall be the determinative authority in all adjudicative decisions;

- (c) no AI System shall perform the function of adjudication or sentencing in any matter without mandatory Human-in-the-Loop and any output of an AI System in relation to adjudicative or sentencing questions shall be treated as advisory only and shall be subject to independent judicial evaluation;
 - (d) no AI System shall be used for Risk Scoring for any purpose in Court processes, including the assessment of flight risk, prediction of recidivism, evaluation of bail eligibility, or determination of the credibility of parties or witnesses;
 - (e) no undisclosed, opaque, or unexplainable AI System shall be used in any Court process that may materially affect the lawful rights or personal liberty of any party;
 - (f) no AI System shall be used to predict, profile, or infer the future conduct or behaviour of parties, accused persons, witnesses, or legal representatives in any Court process;
 - (g) no AI System shall be used for the surveillance or continuous monitoring of judicial officers, advocates, litigants, or any other person within or in connection with Court premises or Court processes, except as may be specifically authorised by applicable law for the time being in force;
 - (h) no AI-generated output shall be submitted to a Court as an independent source of evidence without full and transparent disclosure of its AI-generated character; and
 - (i) no AI System shall be used in any manner that may compromise the confidentiality of judicial deliberations or the independence of the judicial decision-making process.
- (2) The prohibitions referred to in sub- regulation (1) shall be absolute and shall not be subject to relaxation or modification by any authority.

21. Remedial measures by AI Committee.— Every violation of any prohibition specified in regulation 20 shall be reported forthwith to the AI Secretariat, which shall be placed before the AI Committee, and the AI Committee shall, after due enquiry, direct such remedial measures, including the suspension of the relevant AI System, as it deems appropriate. [↩ back to text](#)

CHAPTER IV

POLICY MAKING AND INSTITUTIONAL MECHANISM

22. Apex Body.-- (1) There shall be constituted a permanent, full-time Apex Body at the Supreme Court of India to regulate and promote innovation, integration, governance, oversight, standard-setting and policy development on Artificial Intelligence in judiciary. [↪ back to text](#)

(2) The Apex Body shall consist of the following Members, namely:--

- (a) two Judges of the Supreme Court of India, nominated by the Chief Justice of India, one of whom shall serve as the Chairperson of the Apex Body, *ex officio*;
- (b) two Chief Justices of High Courts, nominated by the Chief Justice of India in consultation with senior *puisne* Judges, *ex officio*;
- (c) two Judges of High Courts, nominated by the Chief Justice of India, *ex officio*;
- (d) one Member from an Institution of national importance or any institution of repute, as may be nominated by the Chief Justice of India;
- (e) an officer not below the rank of Joint Secretary to the Government of India in the Ministry of Electronics and Information Technology (MeitY), Government of India, *ex officio*;
- (f) an expert in Finance, to be nominated by the Chief Justice of India;
- (g) an expert in Cybersecurity, to be nominated by the Chief Justice of India;
- (h) one or more advocates of standing, nominated by the Chief Justice of India, with expertise in technology related laws or data privacy or related fields; and
- (i) the Professor heading the field of Artificial Intelligence at the National Judicial Academy (NJA), Bhopal, *ex officio*;

Provided that the Apex Body may co-opt such additional experts from Research Institutions or academic bodies as it deems necessary, on a case-to-case or standing basis, with the permission of the Chief Justice of India.

(3) The terms of appointment, tenure, allowances, conditions of service and removal of Members of the Apex Body, other than *ex officio* Members, shall be such as may be determined by the Chief Justice of India.

- (4) The Apex Body shall devise its own procedure to be followed for its functioning and for conduct of its meetings.

23. Functions of Apex Body.-- The functions of the Apex Body shall be— [↩ back to text](#)

- (a) to ensure that no AI system, whether autonomous AI agent or static predictive model or any AI Tool, is in violation of any of the provisions of the Constitution or any law for the time being in force and are in compliance with the operational safeguards;
- (b) to benchmark and integrate cutting-edge AI Systems into the Indian Judicial System, in alignment with the highest global standards;
- (c) to uphold the Governing Principles as provided under Chapter II;
- (d) to strive for realising the vision of the AI Committee;
- (e) to coordinate with High Court AI Committees to ensure a harmonised national approach to AI governance in Courts;
- (f) to liaise with MeitY, the National Informatics Centre (NIC), the Data Protection Board, CERT-In (Indian Computer Emergency Response Team), or any other statutory or regulatory body on matters concerning AI in Courts;
- (g) to hear and recommend appropriate actions in respect of grievances arising out of usage of AI Systems and AI Tools;
- (h) to publish an Annual Governance Report on the state of AI in Indian Courts; and
- (i) to discharge such other functions as the Chief Justice of India may, from time to time, assign.

24. Powers of Apex Body.-- (1) The powers of the Apex Body shall include the following, namely:-- [↩ back to text](#)

- (a) to set and periodically revise, the minimum mandatory standards and guidelines for the use of AI in Courts across India for compliance by all Courts;
- (b) to approve AI Systems proposed for use in Court processes subject to the provisions of Chapter V;
- (c) to issue guidelines and clarifications for the implementation of these Regulations;
- (d) to oversee the Centre of Research and Excellence on Artificial Intelligence (CoRE-AI) established under regulation 32, and to receive and act upon its reports and recommendations; and

- (e) to constitute Standing Committees to assist it in the discharge of its functions.

25. Committees of Apex Body.-- The Apex Body shall constitute the following Committees to assist it in the discharge of its functions, namely:--

- (a) Judicial Committee;
- (b) Technical Committee;
- (c) Committee on Infrastructure and Finance;
- (d) Case and Data Management Committee; and
- (e) Cyber Security Committee.

26. Judicial Committee.-- (1) The Judicial Committee shall be constituted by the Apex Body and shall comprise of judicial officers, registry personnel, and such other persons as the Apex Body may determine. [↔ back to text](#)

- (2) The Judicial Committee shall innovate, develop and deploy AI tools to assist in adjudication, so as to meet specific operational requirements of Courts and to address any other specific needs or concerns relating to the adoption and use of AI in Courts.

- (3) The Judicial Committee shall constitute a Sub-Committee of Rules to assist it for the purpose of framing, revising and recommending procedural rules relating to use of AI in Courts.

27. Technical Committee.-- (1) The Technical Committee shall consist of such number of AI researchers, computer scientists, data scientists and domain experts, as may be determined by the Apex Body. [↔ back to text](#)

- (2) The Technical Committee shall monitor advances in AI research and development; assess opportunities and risks arising from emerging AI technologies for the judiciary.

28. Committee on Infrastructure and Finance.-- (1) The Committee on Infrastructure and Finance shall consist of such number of experts in the fields of information technology, Artificial Intelligence, cloud computing, data centre, procurement, expenditure and finance, as may be determined by the Apex Body.

- (2) The Committee on Infrastructure and Finance shall oversee the establishment of infrastructure related to Artificial Intelligence, financial aspects of AI adoption in Courts including budget allocations, cost-benefit evaluations and the audit of expenditure under these regulations.

- (3) The Committee on Infrastructure and Finance shall coordinate with the Central Government and High Courts to assess the budgetary

requirements for AI-related budget and place them before the Apex Body.

29. Case and Data Management Committee.-- (1) The Case and Data Management Committee (CDMC) shall consist of such number of Judicial Officers, officers of the Court Registry with experience of having worked in case management, legal research, listing, judicial administration and pendency reduction, along with experts in the field of AI and data management, as may be determined by the Apex Body. [↩ back to text](#)

(2) The CDMC shall innovate, develop and deploy AI for assistance in adjudication and legal research connected to the National Court Management System (NCMS) of the Supreme Court of India and to the State Court Management Systems (SCMS) of the High Courts, so as to ensure backward integration with existing systems.

30. Cyber Security Committee.-- (1) The Cyber Security Committee (CSC) shall consist of such number of experts in the fields of information technology, cyber security, data protection including officers of CERT-In, Ministry of Electronics and Information Technology and NIC, as may be determined by the Apex Body. [↩ back to text](#)

(2) The CSC shall monitor, evaluate, and make recommendations on aspects related to cyber security of AI systems, AI-related risk management, cyber security audits, vulnerability monitoring, and compliance with leading cybersecurity and data protection standards.

31. Procedure to be followed by Committees of Apex Body.-- (1) Each Committee of the Apex Body specified in regulation 25 shall frame its own procedure for its meeting and decision-making, subject to such directions as the Apex Body may issue.

(2) The recommendations of each Committee shall be placed before the Apex Body for consideration and final decision.

32. Centre of Research and Excellence on Artificial Intelligence.-- (1) There shall be a Centre of Research and Excellence on Artificial Intelligence (CoRE-AI), as an integrated body, having such number of experts in the fields of technology, law, and academia, as may be determined by the Apex Body, to provide research and legal compliance-related support to the Apex Body. [↩ back to text](#)

(2) The experts referred to in sub-regulation (1) shall include Judges, lawyers, technical experts, academicians in the fields of AI and law, Senior and Distinguished Fellows from Think-tanks, post-doctoral researchers and representatives of the National Judicial Academy.

(3) The functions of the CoRE-AI shall include--

- (a) conducting original research on the application of AI in judicial and legal contexts;
- (b) evaluating AI tools and prototypes for use in court systems in the light of such research;
- (c) maintaining a centralised record of AI tools, evaluations and technical regulations available to Courts and public institutions;
- (d) providing technical advice and analytical support to the Apex Body and its Committees;
- (e) continuous monitoring and analysis of national and international jurisprudential developments concerning AI and emerging technologies;
- (f) conducting research on the legal impact of AI-prototypes, comparative legal tracking and releasing of white papers and empirical studies; and
- (g) organising conferences, seminars, colloquiums, symposiums, etc., in relation to the integration of AI in the judicial process.

33. AI Committees. -- (1) The Supreme Court of India and every High Court shall constitute an AI Committee to oversee, regulate and facilitate the responsible adoption and governance of AI within its jurisdiction, in accordance with the minimum mandatory standards laid down by the Apex Body. [↩ back to text](#)

(2) The AI Committee referred to in sub-regulation (1) shall consist of--

- (a) a Judge of the Supreme Court or the respective High Court of not less than five years of standing as a Judge, as the case may be, designated by the Chief Justice, who shall serve as Chairperson of the AI Committee;
- (b) not less than two other Judges of the Supreme Court or such High Court as its Chief Justice may nominate; and
- (c) a Senior Member of the AI Secretariat and such other members of the AI Secretariat as the AI Committee may invite.

(3) The AI Committee shall have the powers--

- (a) to approve AI Systems for use in Court processes within its jurisdiction, following a Technical and Ethical Impact Assessment;
- (b) to monitor compliance with these regulations and the minimum mandatory standards set by the Apex Body;
- (c) to issue supplementary directions tailored to local needs, provided they are not inconsistent with the minimum mandatory standards;

- (d) to recommend modifications to these regulations to the Apex Body, with reasons to be recorded in writing;
 - (e) to oversee the AI Secretariat and to direct periodic audits of all Court AI Tools deployed within its jurisdiction,
- and shall perform the following functions, namely:--
- (i) review reports of AI Incidents, direct remedial measures, and communicate learnings to the Apex Body and other High Court AI Committees;
 - (ii) prepare an annual report on the state of AI adoption within its jurisdiction and submit to the Chief Justice, which shall also be shared with the Apex Body; and
 - (iii) coordinate with the Apex Body in developing common standards, shared platforms and best practices for AI adoption in Courts.
- (4) The AI Committee constituted in the Supreme Court shall be deemed to be the AI Committee for Tribunals and statutory Commissions performing adjudicatory functions at the national level and AI Committee constituted in the respective High Court shall be deemed to be the AI Committee for Tribunals and statutory Commissions performing adjudicatory functions at the State level.
- (5) The AI Committee shall meet at such intervals not more than three months, or at such shorter intervals as circumstances may require.
- (6) The AI Committee may call for suggestions from Universities, researchers and the private sector undertakings on the use and deployment of AI in Courts and the legal justice system, and may organise conferences or interactions with those whose suggestions merit consideration.

34. AI Secretariat.-- (1) Every AI Committee shall be supported by a dedicated AI Secretariat, headed by an officer in the cadre of District Judge, as may be designated by the Chief Justice of the respective High Court.

- (2) The AI Secretariat shall consist of such a number of officers and experts in judicial administration, technology, data science and law, as may be determined by the AI Committee.
- (3) The terms of service, manner of appointment, and tenure of officers and experts of the AI Secretariat shall be determined by the respective High Court in consultation with the Apex Body.
- (4) The AI Secretariat shall have the power to grant expedited approval for an AI Tool that--

- (a) is used exclusively for administrative purposes not involving personal data of parties;
 - (b) does not affect adjudicatory functions; and
 - (c) is functionally similar to a tool already approved by the Appropriate Authority.
- (5) The AI Secretariat shall maintain a register of all tools cleared under this pathway.

CHAPTER V

OVERSIGHT, AUDITS AND INCIDENT MANAGEMENT

35. Oversight and accountability.-- (1) The Appropriate Authority shall, before approving any AI System for use in Court processes, require the submission of a comprehensive Technical and Ethical Impact Assessment.

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- (2) The Appropriate Authority shall prescribe a standard format for the Technical and Ethical Impact Assessment within six months from the date of commencement of these regulations.
- (3) The Technical and Ethical Impact Assessment shall evaluate at a minimum, the--
 - (a) purpose, architecture and functioning of the AI System;
 - (b) nature, source, quality and representativeness of its training data;
 - (c) risks of bias, error, hallucination and misuse in the relevant judicial context;
 - (d) cyber security vulnerabilities and the data protection measures in place;
 - (e) mechanisms for explainability and compliance with Human-in-the-Loop requirements; and
 - (f) procedures for redressal of any harm and for incident reporting.

36. Controlled Environment Testing.— (1) The Appropriate Authority may, in suitable cases and prior to the full-scale deployment of any AI System or AI Tool in Court processes, direct that the AI System or AI Tool be evaluated through Controlled Environment Testing established under the supervision of the AI Secretariat. *↪ back to text*

- (2) The Controlled Environment Testing shall be undertaken on a time-limited and clearly defined basis with documented parameters of evaluation, including accuracy, reliability, fairness, explainability, cyber security and compatibility with existing Court processes, and the outcomes of such testing shall be placed before the Appropriate Authority for consideration prior to any decision on deployment, mainstreaming or scaling of the AI System or AI Tool.
- (3) During the period of Controlled Environment Testing, the activities carried out within such environment shall not affect, interfere with, or compromise the integrity, security or functioning of the primary operational systems or networks of any Court, nor shall the outputs of such testing be used in any actual adjudicatory or administrative decision in a Court process.

37. AI Register.-- Each Court shall maintain an AI Register, in such form and with such particulars as the Appropriate Authority may prescribe, documenting-- [↩ back to text](#)

- (a) all AI Systems approved for use in Court processes;
 - (b) the purposes and scope of approved use for each system;
 - (c) the identity of the AI Service Provider and, where applicable, the vendor;
 - (d) the date of approval and any conditions attached thereto;
 - (e) the records of Technical and Ethical Impact Assessments conducted;
 - (f) the records of audits conducted and their outcomes; and
 - (g) the AI Incidents recorded in connection with each system.
- (2) The dissemination of AI Register on the official website of the Court for public access shall be subject to data protection, confidentiality and cyber security.

38. Audits.-- (1) All Court AI Systems and AI Tools shall undergo periodic technical, legal and ethical audits at intervals not exceeding one year from the date of approval or the date of the preceding audit, or at such shorter intervals as the Appropriate Authority may direct. [↩ back to text](#)

- (2) The audits shall be conducted 'in-house', and under no circumstances the source code, algorithms, datasets, or other architectural information shall be shared with any third party or private entity for an audit outside the Court premises.
- (3) The audit reports shall be submitted to the Appropriate Authority and shall be recorded in the AI Register.

39. AI Incident Database.-- (1) Every AI Secretariat shall maintain an AI Incident Database for the systematic recording of all AI Incidents, including their type, cause, manner of occurrence, consequences and the remedial measures taken. [↪ back to text](#)

(2) Where an AI Incident is reported in any High Court, the AI Secretariat of that High Court shall communicate the relevant findings and learnings to the AI Secretariats of other High Courts and to the Apex Body, so that corrective measures may be adopted across jurisdictions.

(3) Any malfunction, error, or bias in a Court AI Tool with potential legal consequences shall be reported immediately to the AI Secretariat by the officer responsible for supervising such AI Tool.

(4) The AI Secretariat shall, on receipt of a report referred to in sub-regulation (3), initiate remedial measures without delay and report the matter to the AI Committee.

40. Discretion in supervising AI Systems.-- The nominated officer responsible for supervising any AI System shall retain full discretion to accept, modify, or reject any AI-generated recommendation or output within the matters falling under his charge, and shall exercise discretion with independent professional judgment.

41. Review of AI Systems already in use.-- AI Systems already in use in Courts at the time of commencement of these Regulations shall be reviewed by the AI Secretariat for compliance within a period of one year from the date of such commencement and the Appropriate Authority shall determine the appropriate course of action in respect of any system found to be non-compliant. [↪ back to text](#)

42. Emergency and fall-back protocol.-- (1) Every High Court shall, in consultation with the AI Secretariat, establish and maintain an emergency and fall-back protocol specifying the procedures to be followed in the event of a failure, malfunction, or unavailability of any AI System or AI Tool in Court. [↪ back to text](#)

(2) The emergency and fall-back protocol shall ensure the continuity of essential Court processes through manual or alternative means and shall be tested at periodic intervals as determined by the AI Secretariat.

(3) Where a Court AI Tool fails or is suspended under these regulations, the AI Secretariat shall activate the applicable fall-back protocol and notify the AI Committee within twenty-four hours.

43. Transparency and disclosure.-- (1) The Courts shall, where an AI Tool materially assists in any aspect of case management, document analysis, or

judicial administration that may affect the conduct of their proceedings, ensure that the parties are informed in a timely and accessible manner. ↩

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- (2) The obligation under sub-regulation (1) shall apply in all permitted uses of AI specified in regulation 19.
- (3) Where an AI Tool is used by any party or his legal representative in the preparation or submission of any document, pleading, or evidence, the AI-assisted character of such material shall be disclosed to the Court at the time of submission by way of a duly executed declaration or certificate in the format prescribed under Annexure I and any Court-initiated AI use in any Court process shall be declared in accordance with the format provided in Annexure II.
- (4) The Court shall have the authority to require disclosure of the AI System used, the nature and extent of AI assistance provided, and the steps taken to verify the accuracy of any AI-generated content, in respect of any AI-assisted submission placed before it.
- (5) Any person using Synthetic Data or Synthetic Information in any judicial proceeding shall be required to disclose such use to the Court, in such form and manner as the Appropriate Authority may prescribe.
- (6) In the event that any document, pleading, or evidence submitted to a Court is found to be fabricated, false, misleading, or inaccurate by reason of its AI-generated character, the person submitting the same shall bear full responsibility therefor and shall not be entitled to rely upon the character of the AI output as a defence. The Court may pass such orders as it deems fit against the responsible person.

44. AI Content Verification Authority.-- The Appropriate Authority shall constitute a dedicated institutional authority, to be designated as the AI Content Verification Authority, charged with the oversight, operation, and continuous updation of verification standards, tools and protocols applicable to GenAI-generated content in Court Process. ↩ *back to text*

45. Annual Transparency Report.-- Every High Court, Tribunal and Commission referred to in these regulations shall submit an Annual Transparency Report on AI adoption within its jurisdiction, summarising the AI Systems in use, outcomes of audits, AI Incidents recorded and measures taken for compliance with and improvement of these regulations, to the Apex Body and cause the same to be published on its official website. ↩ *back to text*

CHAPTER VI

PROCUREMENT AND PRIVATE SECTOR ENGAGEMENT

- 46. Engagement of Private Entities.--** (1) No private entity, vendor, or third-party service provider shall undertake, participate in, or provide any service in connection with an AI System deployed in Court processes without the prior written approval of the Appropriate Authority. [↪ back to text](#)
- (2) All proposals for engagement of private entities in connection with AI Systems shall, prior to approval by the Appropriate Authority be subject to a comprehensive evaluation covering technical capability, legal compliance, ethical standards, data security practices and financial standing.
- (3) The procurement of AI Systems and related services shall, subject to ensuring transparency, competition, value for public resources and compliance with applicable procurement law and financial regulations, be governed by such procedures as the Chief Justice may determine.
- (4) All agreements entered into with private entities for AI-related services shall include mandatory provisions governing--
- (a) ownership of, and access rights to, Court data and AI outputs;
 - (b) prohibition on the use of Sensitive Judicial Data or Court data for any purpose beyond the scope of the engagement;
 - (c) full compliance with these Regulations and all applicable laws;
 - (d) obligations of disclosure, incident reporting, and cooperation with audits;
 - (e) the right of the AI Secretariat to audit and inspect the relevant AI System and its underlying data;
 - (f) consequences of breach, including suspension or termination of the engagement and liability for harm;
 - (g) source and model transparency, including complete technical documentation of the architecture and training data of the AI System;
 - (h) explainability documentation for all High-Risk AI Tools;
 - (i) mandatory indemnity clauses protecting the Court from liability for harms caused by defects in vendor-supplied AI Systems;
 - (j) on-premise or sovereign cloud deployment requirements for AI Systems processing Sensitive Judicial Data;

- (k) explicit prohibition on the retraining, fine-tuning, or modification of AI models using Court data without the express written approval of the AI Committee;
 - (l) Clear contractual allocation of liability between the Court and the vendor in the event of AI-related incidents, data breaches, or harm to litigants or third parties.
- (5) All AI Systems supplied, operated, or maintained by private entities shall be subject to continuous monitoring and periodic audits by the AI Secretariat throughout the duration of the engagement, as provided in regulation 38.
- (6) Any data breach, security incident or AI Incident, involving an AI System provided or maintained by a private entity, shall be reported by such entity to the Appropriate Authority without delay and non-compliance of such reporting, or with any other material condition of engagement, may result in the suspension or termination of the engagement and such further consequences as the Appropriate Authority may direct.
- (7) The AI Secretariat shall be empowered to grant expedited approval within thirty days for an AI Tool that--
- (a) is used exclusively for administrative purposes not involving personal data of parties;
 - (b) does not affect adjudicatory functions; and
 - (c) is functionally similar to a tool already approved by the Appropriate Authority.
- (8) The AI Secretariat shall maintain a register of all tools approved under sub-regulation (7).
- (9) Where AI Tools are developed using Court data or Court resources, the Appropriate Authority shall ensure that the Court retains ownership of, or a perpetual royalty-free licence to, the resulting tool and its outputs. No private entity shall claim exclusive intellectual property rights over tools developed primarily using judicial data or public resources.

CHAPTER VII

DATA PROTECTION AND CYBER SECURITY

47. Application of relevant laws.--All AI Systems deployed in Court processes shall comply with the provisions of the Digital Personal Data Protection Act, 2023 (22 of 2023), the Information Technology Act, 2000 (21 of 2000) and the applicable rules and regulations framed thereunder, and any other law

governing the protection of personal data and judicial information for the time being in force. [↩ back to text](#)

48. Sensitive judicial data.-- (1) Sensitive judicial data shall not be transferred to any External System without the express written authorisation of the Appropriate Authority. [↩ back to text](#)

(2) All transfers of sensitive judicial data shall be subject to appropriate technical and contractual safeguards designed to prevent unauthorised access, disclosure, alteration, or misuse.

(3) The principle of data minimisation shall be applied in the selection and deployment of AI Systems and AI Systems that achieve the relevant operational objective while requiring lesser processing of personal data shall be preferred over those requiring greater data processing, particularly in Court processes involving sensitive personal information or matters affecting personal liberty.

(4) Anonymisation shall be applied to personal data to the extent technically feasible without compromising the utility of the data for the intended purpose, before it is used for the training, testing, or refinement of any AI System.

(5) Every AI System in use in Court processes shall be subject to regular cybersecurity audits at intervals not exceeding one year, or at such shorter intervals as the AI Secretariat may determine and the outcomes of cybersecurity audits shall be reported to the Appropriate Authority and recorded in the AI Register.

(6) The Appropriate Authority shall establish and maintain protocols governing access to personal data processed through or stored in AI Systems, consistent with the principles of least privilege and need-to-know, and shall review these protocols annually.

(7) The AI Secretariat shall ensure that security vulnerabilities and data incidents are identified, documented, escalated and addressed in a timely manner, and shall maintain records of all such incidents in the AI Incident Database.

CHAPTER VIII

CAPACITY BUILDING, TRAINING, AND BEST PRACTICES

49. (1) All Judges, advocates and Court staff, who are required to use or interact with AI Systems in the course of their duties, shall receive regular, structured training on the technical, legal and ethical dimensions of AI, as may be relevant to their functions. [↩ back to text](#)

- (2) Training on use of AI in Court processes shall be accessible to all such persons, including those in district Courts, and shall be offered in a manner that accounts for linguistic diversity.
- (3) The training programmes shall be developed by the AI Secretariat in consultation with relevant domain experts and judicial training institutions, and shall address, at a minimum--
 - (a) the functioning, capabilities and limitations of AI Systems in use in Court processes;
 - (b) the identification and mitigation of AI bias, hallucinations and technical errors;
 - (c) the legal and ethical framework governing AI in the judicial context, including the rights of litigants and the obligations of judicial officers under these regulations;
 - (d) data protection principles, cyber security awareness and the handling of sensitive judicial data; and
 - (e) the correct procedures for reporting AI Incidents, raising concerns and utilising grievance redressal mechanisms.

50. Repository of best practices on AI Incidents.--The Appropriate Authority shall maintain a living repository of best practices, case studies, lessons drawn from AI Incidents and guidance notes, which shall be regularly updated, curated and made available to all relevant Courts and judicial personnel, so as to serve as an institutional memory to ensure continuity of competence, despite changes in staff or composition.

51. Review of training programmes.-- (1) The adequacy and effectiveness of training programmes shall be reviewed at least once in every two years by the AI Committee in consultation with the AI Secretariat, and such modifications as are warranted by practical experience or technological developments shall be implemented. [*↩ back to text*](#)

(2) Every High Court shall devise an annual training calendar in coordination with judicial training institutions and the Apex Body, to ensure the sustained and updated competence of all judicial and administrative personnel in matters relating to AI.

CHAPTER IX

GRIEVANCE REDRESSAL AND REMEDIES

52. Grievance Redressal.-- (1) Where any harm is caused to any party to a proceeding as a direct or indirect effect of prohibited use of AI under regulation 20, he or his legal representative, may file an application at the earliest opportunity to the Court in which the relevant AI System was or is being used, and such Court shall, after giving a reasonable opportunity of being heard, pass appropriate orders as it may deem fit. [↔ back to text](#)

(2) The High Court may lay down principles and procedures for the adjudication of grievances arising from the use of AI in Court processes, and may prescribe formats for the filing of complaints, so as to ensure accessibility and ease of use for all stakeholders, including persons with limited legal literacy.

53. Other remedies.-- Nothing in these regulations shall preclude any person from seeking such legal remedies as may be available under any law for the time being in force before a competent Court in respect of any harm caused by the use of AI in Court processes. [↔ back to text](#)

CHAPTER X MISCELLANEOUS

54. Regulations not in derogation of other laws.-- (1) The provisions of these regulations shall be in addition to and not in derogation of the provisions of the Information Technology Act, 2000 (21 of 2000) or the Digital Personal Data Protection Act, 2023 (22 of 2023) or any other law governing Courts, data protection, and AI for the time being in force. [↔ back to text](#)

(2) In the event of any inconsistency between these regulations and the provisions of any other law on the subject, the provisions of such law, as may be applicable, shall prevail.

(3) These regulations shall not derogate from any obligation imposed upon Courts or judicial officers by the Constitution or any Central Act or State Act, or the rules of Court framed thereunder.

(4) Where these regulations afford a higher degree of protection to any person than administrative instructions or directions issued by any authority, the provisions of these regulations shall prevail over such instructions or directions to the extent of any inconsistency.

55. Power to issue directions.-- The Chief Justice or the Institutional Head may issue administrative directions, circulars, or instructions, as may be necessary, for the effective implementation of these regulations, which shall not be inconsistent with the provisions of these regulations.

56. Power to relax or modify.-- The Chief Justice may, for reasons to be recorded in writing, relax or modify any provision of these regulations (other than any prohibition specified in regulation 20, which is non-derogable) in relation to any specific Court, AI System, or set of circumstances, provided that such relaxation or modification does not result in a violation of the general principles laid down in Chapter II. [↩ back to text](#)

(2) Any modification proposed to these regulations shall be communicated to the Apex Body within a period of two weeks from the date of such modification.

57. Review of regulations.-- (1) The Supreme Court AI Committee shall review these regulations periodically, or whenever necessity arises due to significant developments in AI technology, changes in applicable legislation, or the practical experience of implementation. [↩ back to text](#)

(2) Every High Court shall share data, feedback, case studies, and recommendations for improvement with the Supreme Court AI Committee on an ongoing basis, to enable periodic review of these regulations and to facilitate the continuous improvement of AI governance across the judicial system.