

Supreme Court Draft Regulations on AI in Courts - Explained

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AI in Courts Latest News

- The Supreme Court has released draft regulations governing the use of Artificial Intelligence in courts, proposing a complete ban on using AI for judicial decision-making, sentencing, and bail determinations.

About Artificial Intelligence in the Judicial System

- **Artificial Intelligence** (AI) refers to computer systems capable of performing tasks that typically require human intelligence, such as learning, reasoning, problem-solving, and decision-making. In the judicial context, AI tools can assist in:
 - Legal research and precedent retrieval.
 - Document review and summarisation.
 - Case management and scheduling.
 - Transcription of court proceedings.

- Translation of judgments and pleadings.
- Predictive analytics for case outcomes.

Global Trends in Judicial AI

- Several countries have begun experimenting with AI in their judicial systems:
 - **United States:** Uses AI tools for risk assessment in bail and sentencing decisions, though these have faced criticism for bias.
 - **China:** Has deployed AI judges and “smart courts” for handling certain types of cases.
 - **United Kingdom:** Uses AI for legal research and document analysis.
 - **Estonia:** Considering AI judges for small claims cases.

Background and Need for Regulation in India

- The push for AI regulations in courts has been driven by several factors:
 - **Incidents of AI Hallucination:** There have been instances where AI-generated content has appeared in court orders with factual errors or fabricated citations, prompting the Supreme Court to express “institutional concern” about the misuse of AI in judicial processes.
 - **Risk of Bias:** AI systems trained on historical data can perpetuate or amplify biases, particularly affecting vulnerable groups. This raises serious concerns about the right to a fair trial and equality before the law.
 - **Privacy Concerns:** The use of AI involves processing large volumes of personal data, raising concerns under the Digital Personal Data Protection Act, 2023.
 - **Need for Uniform Standards:** Different courts and tribunals have been adopting AI tools independently, leading to inconsistencies and the need for uniform regulatory standards.

News Summary

- The Supreme Court has released the draft “Regulations for Use of Artificial Intelligence (AI) in Courts, 2026” for public consultation.
- The framework was prepared under the aegis of the **Supreme Court’s AI Committee**, chaired by **Justice P.S. Narasimha**.
- The draft regulations are open for public comments until June 20, 2026.

Core Principle: AI as an Assistant, Not a Decision-Maker

- The fundamental principle underlying the draft regulations is that AI use in court processes will remain “***strictly subservient to human judgment and judicial authority.***”
- Every AI system:
 - Shall function solely in an assistive capacity.
 - Shall not supplant or compromise the independent exercise of judicial authority.
 - The ultimate authority to determine matters of law, fact, and justice shall vest exclusively in judicial officers.

Absolutely Prohibited Uses of AI

- Regulation 20 of the draft lists specific uses of AI that are absolutely prohibited in the following court processes:
 - **Judicial Decision-Making**
 - AI systems cannot independently determine judicial outcomes.
 - Cannot pass sentences or perform adjudicatory functions.
 - **Risk Scoring Prohibition**
 - The draft prohibits AI-based risk scoring systems from being used to:
 - Assess the flight risk of accused persons.
 - Predict recidivism (likelihood of re-offending).
 - Determine bail eligibility.
 - Evaluate the credibility of parties or witnesses.
 - **Predictive Profiling**
 - Courts are barred from using AI to:
 - Predict or profile the future behaviour of litigants, accused persons, witnesses, or lawyers.
 - Conduct predictive analysis that could prejudice judicial proceedings.
 - **Black Box AI Systems**
 - The framework prohibits the deployment of:
 - Opaque or unexplainable “black box” AI systems in matters affecting legal rights or personal liberty.
 - AI systems whose decision-making processes cannot be transparently explained.
 - **Surveillance Restrictions**
 - AI-based surveillance or continuous monitoring of judges, lawyers, and litigants is banned.
 - Exception only when specifically authorised by law.
 - **Data Privacy**
 - Personal data cannot be used to train, test, or refine AI systems without prior approval of the appropriate authority.
 - All AI systems must comply with the Digital Personal Data Protection Act, 2023.

Transparency and Disclosure Requirements

- **Mandatory Disclosure:** A critical feature of the draft is the requirement for transparency and disclosure when AI tools are used:
 - Lawyers and litigants must disclose AI-assisted filings to the court.
 - Disclosure must be made through a prescribed declaration.
 - The declaration applies to Pleadings, Documents, and Evidence
- **Court’s Power to Probe:** Courts are empowered to seek details regarding:
 - The AI system used.
 - The extent of AI assistance in preparing the material.
 - The verification steps undertaken before filing.
- **Fairness and Non-Discrimination:** The draft mandates that AI systems must be:
 - Designed, trained, and deployed in a manner that promotes fairness.

- Free from discrimination on grounds of race, religion, caste, sex, gender, disability, language, economic status, or any other ground prohibited under the Constitution.

Special Protection for Vulnerable Groups

- Special care must be taken to protect the rights and interests of:
 - Women, Children, Persons with disabilities, Marginalised and minority communities and Persons from economically and socially disadvantaged backgrounds

Proposed Regulatory Framework

- **Apex Body at the Supreme Court:** The draft proposes a **permanent, full-time apex body** at the Supreme Court to regulate and promote innovation in judicial AI.
- **AI Committees at Each Court:** The draft also calls for the establishment of AI committees at:
 - The Supreme Court
 - Every High Court
 - These committees would oversee, regulate, and facilitate responsible AI adoption within their jurisdictions.

Significance of the Draft Regulations

- **Safeguarding Judicial Independence:** The regulations reinforce the constitutional principle that judicial functions must be exercised by duly appointed judicial officers, not by machines.
- **Protecting Personal Liberty:** By prohibiting AI in bail decisions and risk scoring, the regulations protect against algorithmic bias that could affect personal liberty.
- **Ensuring Transparency:** Mandatory disclosure requirements promote accountability in legal filings and prevent the misuse of AI.
- **Promoting Responsible Innovation:** The “presumption in favour of responsible AI adoption” balances innovation with ethical considerations.
- **Setting Global Standards:** India’s framework could serve as a model for other jurisdictions grappling with similar challenges.

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