

To,
The Member Secretary,
Artificial Intelligence Committee,
Supreme Court of India.

Date: June 8, 2026

From,
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Subject: Submission of comments in pursuance of the notice “Seeking views/suggestions of all stakeholders and the general public on draft ‘Regulations for Use of Artificial Intelligence (“AI”) in Courts, 2026’.”, dated June 3, 2026.

Hon’ble Member Secretary,

The Indian Judiciary advancing towards the adoption of Artificial Intelligence is a heartily welcomed move.

Attached herewith as “**Annexure I**” are comments and suggestions in pursuance of the notice referenced above.

Sincerely,
Chakradhar Premraj Kale,
The Finvocates.

Annexure I

Sr. No.	Clause	Extant verbiage in the draft guidelines	Comments
1.	Chapter I, Clause 1 (2) sub-clause (a)	(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.	Chief Justice of India be afforded with the facility to appoint different dates for different provisions of these regulations.
2.	Chapter I, Clause 2	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.	“Close monitoring of the same” to also be added within the scope of what these guidelines shall apply to.
3.	Chapter I, Clause 3 (e)	(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;	The definition of AI incident to include “any cyber incidents/ lapses/ external attacks” as well, as the given guidelines do not address these anywhere else.
4.	Chapter I, Clause 3 (i)	(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;	Inclusion of “any other tool aided by technology with the character as described herein” may be considered.
5.	Chapter I, Clause 3 (m)	(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	It is requested that for the purpose of this definition automated workflows which call any AI based API in its processing be included herein. Ex: A Microsoft PowerAutomate Workflow (which by the virtue of being a mere static automation tool, does not include any AI by itself) that calls CoPilot API to process an input must be classified herein. Such a flow is functionally

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		by, or functionally dependent upon, artificial intelligence;	dependent on AI as workflows that are automated fail when an element therein is unavailable.
6.	Chapter I, Clause 3 (p)	(p) “Court data” means any data generated by or in possession of a Court;	The verbiage “or is meant unequivocally for the consumption of the court alone, irrespective of whether it be in or out of the court’s possession” be added.
7.	Chapter I, Clause 3 (t)	(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;	It should be ensured that no PII data (Personal Identifier information) is collected, aggregated, or retained by an AI system. Data Purging measures be included.
8.	Chapter I, Clause 3 (z)	(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;	The definition be considered to also include omissions in considerations made by an AI system.
9.	Chapter I, Clause 3 (za)	(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;	The definition of injury as given in section 2 (14) the BNS may be considered. “any harm whatever illegally caused to any person, in body, mind, reputation or property;”
10.	Chapter I, Clause 3 (zd)	(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;	The term “legal research” may be reconsidered, as AI cannot “create” new knowledge. It can only reproduce what it has been trained upon.
11.	Chapter I, Clause 3 (ze)	(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	“Improve” here may not be taken in the literary sense. If an AI system is infested with wrong data, it may be said to have improved.

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		and generating predictive or analytical outputs;	A neutral verbiage “modifies the performance based on the inferences usually towards a specific task” may be considered.
12.	Chapter I, Clause 3 (zh)	(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;	The verbiage “processed or unequivocally known to be due to be processed” be considered.
13.	Chapter II, Clause 4	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.	As instances of AI assisted judicial outputs shall be recorded and disclosed (as per clause 43 of these guidelines), recording and disclosing instances of non-consideration of such AI output which is, in a case involving more than one judge, acceptable to any one of the judges but not to others, be considered.
14.	Chapter II, Clause 7, Sub-clause (3)	(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.	Consent of the parties involved may be obtained before using such systems.
15.	Chapter II, Clause 8, Sub-clause 3	(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.	AI tools used exclusively for administrative (non-adjudicatory) functions and certified by the AI Secretariat to have established reliability may be given such waiver only in such cases where there have been no additional updates to the same since its approval by the secretariat, prompting the verification by the due process otherwise.

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16.	Chapter II, Clause 9, Sub-clause 2	(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.	Audit findings across courts may be utilised by all courts to better identify issues.
17.	Chapter II, Clause 11	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.	Auditable Logs and deviation matrix may be maintained.
18.	Chapter II, Clause 15	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.	Auditable logs of data access be maintained.
19.	Chapter III, Clause 18	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.	AI systems may not be recommended unless the same are tested beforehand on Pilot or UAT (User Acceptance Testing) servers.
20.	Chapter III, Clause 19, Sub-clause (i)	19 (i) anonymisation of judgments, orders and Court records for publication in the public domain;	Human reviews must still be made mandatory in this use case.
21.	Chapter III, Clause 19, Sub-clause (k)	(k) auto-generation of prescribed formats, notices and summons with metadata merge including automated preparation of administrative documents.	Auditable logs must be maintained for such usage.
22.	Chapter III, Clause 20, Sub-clause (f)	(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;	An additional verbiage as follows may be appended: “unless an AI system leads to such revelation which might have otherwise been conspicuously reached at by using human intelligence as well.”

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23.	Chapter III, Clause 20, Sub-clause (g)	(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;	Any auditable data log that conspicuously reflects any infirmity like biasedness or of such character may be used to backtrack accountability in case of disciplinary proceedings or any purpose of such character.
24.	Chapter IV, Clause 26, Sub-clause (2)	(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.	This function partially overlaps with the function of the CDMC (highlighted below).
25.	Chapter IV, Clause 29, Sub-clause (2)	(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.	This function partially overlaps with the function of the Judicial Committee (highlighted above).
26.	Chapter IV, Clause 34, Sub-clause (4) (c)	(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.	4 (c) may be reconsidered as follows to avoid technical issues from flowing in: (c) is functionally and technically similar to a tool already approved by the Appropriate Authority as on the date of such approval. [Softwares keep getting updated, approval for an older version may not be the same as approval for the latest version.]
27.	Chapter V, Clause 35, Sub-clause (3)	(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;	An additional requirement may be added: “Retrievability of critical data on demand, especially in case of cross-bench availability in case of cases in appellate jurisdiction.”

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		(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.	
28.	Chapter V, Clause 36, Sub-clause (2)	(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.	The parameters documented may be made subject to any additional requirements the Appropriate Authority shall put forth considering the latest developments as at such time.
29.	Chapter V, Clause 38, Sub-clause (1)	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.	Audit findings may be acted upon on an “at the earliest” basis to close any observations raised therein. In event of failure of the service provider to plug the gaps highlighted, commensurate penal actions must be taken against them for prolonging the exposure of the Court’s system to such risk.
30.	Chapter V, Clause 38, Sub-clause (2)	(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.	Resource sharing including human resource across courts may be encouraged for the purpose of such audits.
31.	Chapter V, Clause 39, Sub-clause (2)	(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.	AI incident details may be shared with the subordinate judiciary as well.
32.	Chapter V, Clause	(1) The Courts shall, where an AI Tool materially assists in any aspect of case management, document analysis, or	Parties be mandatorily informed in the language they understand including any vernacular language.

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	43, Sub-clause (1) & (2)	judicial administration that may affect the conduct of their proceedings, ensure that the parties are informed in a timely and accessible manner. (2) The obligation under sub-regulation (1) shall apply in all permitted uses of AI specified in regulation 19.	
33.	Chapter VI, Clause 46, Sub-clause (4)	(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;	An additional requirement requiring availability and accessibility of complete auditable logs at any point in time, post-deployment, may be considered. [Auditable logs help with useful data which might help trace back any malfunctioning, etc.] Moreover, the following may be considered: - disaster recovery and business continuity plans - type of material adverse events (e.g., data breaches, denial of service, and service unavailability, relevant to the outsourced services) and the incidents required to be reported to the Appropriate Committee, to enable the Committee to take prompt risk mitigation measures - obligation of the service provider to co-operate with the relevant authorities whenever required - whether such private entity can sub-contract activities - clauses making the service provider contractually liable for the performance and risk management practices
34.	Chapter VI, Clause 46, Sub-clause (7)	(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;	7 (c) may be reconsidered as follows to avoid technical issues from flowing in: (c) is functionally and technically similar to a tool already approved by the Appropriate Authority as on the date of such approval.

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		(b) does not affect adjudicatory functions; and (c) is functionally similar to a tool already approved by the Appropriate Authority.	[Softwares keep getting updated, approval for an older version may not be the same as approval for the latest version.]
35.	Chapter VII, Clause 48, Sub-clause (3)	(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.	Instead of “lesser processing”, “commensurate processing” may be considered.
36.	Chapter VII, Clause 48, Sub-clause (3)	(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.	Clause XX allows AI to be used for Anonymisation. In event a court is developing an AI system in-house, AI might be used to Anonymise data which will be fed into the AI again. This might nullify the Anonymisation if the AI retained “what was Anonymised” in the process.
37.	Chapter VII, Clause 48, Sub-clause (6)	(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.	The same authority that establishes the protocol may not review their own protocols. A different authority may carry out such review and give recommendations.
38.	Chapter VIII, Clause 49, Sub-clause (2)	(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.	It is urged that such training be available to law students/ judiciary trainees as well.
39.	Chapter VIII, Clause 52, Sub-clause (1)	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.	Legal/ jurisprudential/ cybersecurity hygiene/ social/ professional developments may also be mapped herein.

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40.	Chapter X, Clause 57, Sub-clause (1)	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.	These guidelines may be reviewed by a non-owner body/ committee and the recommendations received therefrom may be incorporated.