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JUDICIAL PENDENCY AND THE POTENTIAL OF AI

By Aman Gupta

INTRODUCTION

The article delves into the pendency challenge that currently besets the Indian judicial system, which negatively impacts the citizens' right of access to justice and speedy trial. One of the key challenges faced in reducing the same is unavailability of counsel and listing of cases. The author makes an argument for utilising artificial intelligence ("AI") tools, within a responsible AI framework, as a means to reduce delays and pendency.

DELAYS AND PENDENCY: CHALLENGES AND PRESENT STEPS TAKEN

Delays and pendency in the Indian judicial system have been identified on multiple occasions as a key challenge to providing litigants with access to justice. According to the National Judicial Data Grid ("NJDC"), as on 16th February 2026, more than 48 million cases were pending in the district courts, with about 73.2% of them being more than a year old. Further, as on 16th February 2026, more than 1.2 million cases are pending at the pre-litigation/pre-trial stage, of which 66.31% are more than a year old. Several steps have been suggested to reduce delays and pendency: more judges; more working days in the courts; specialised tribunals; and the promotion of alternate dispute resolution methods of settlement.

Given the current state of implementation of the aforementioned steps and the challenges faced in implementing them, alternatives may be considered.

Any step taken to reduce delays and pendency encounters two-fold difficulties. First, there are cases in which the litigants and lawyers themselves seek adjournments. The NJDC shows that the unavailability of counsel is one of the biggest reasons for delays at the district level. This could be due to the counsel being otherwise engaged in other matters or courts. Second, there are challenges in listing urgent cases before the courts due to resource constraints and administrative uncertainty.

The standard practice for an urgent listing is the oral mentioning of the matter before the registrars and, where the circulars are silent, the judges. The urgency of the case is then decided. However, this has two challenges: (i) oral mentioning requires litigants to have resources and wherewithal to approach senior lawyers; and (ii) there is no uniform protocol in different courts as to what constitutes an ‘urgent matter’ and how the mentioning and subsequent allocation of cases takes place. This issue has been highlighted in the past. For instance, in 2024, the SCAORA wrote a letter to the Secretary General of the Supreme Court of India, highlighting the lack of criteria to guide when a matter mentioned as urgent would be processed and registered. According to the letter, the entire discretion is left to the registry official to decide and process, leading to arbitrariness and hardship, especially in civil matters, where urgent intervention may be required.

In response, the Supreme Court Registry recently issued a circular that automatically lists all urgent matters involving liberty of individuals and where urgent interim orders are sought within the next two working days. A further circular was issued to ensure standardised order of priority for matters on cause list for miscellaneous days.

The circular lists sixteen heads, which give priority to bail matters and cases related to specially-abled persons, acid attack victims, senior citizens, persons below poverty line and legal aid matters. While it is too early to determine if the changes will bring about a reduction in delays and pendency, it must be noted that the circular is only applicable to the listings before the Supreme Court and does not deal with other judicial fora, which have their own rules regarding the same.

PROMISE OF ARTIFICIAL INTELLIGENCE

This challenge can be seen in the context of India’s (and the Indian judiciary’s) openness to adopting technology and artificial intelligence (AI) tools to achieve greater efficiency. The e-Courts Project, launched in 2007, aims to implement ICT across the judiciary nationwide. Key aims of the same are to automate processes, to provide transparency and accessibility of information, and to enhance judicial productivity. For instance, the preparation of the cause list and daily proceedings has been computerised, and litigants can find information about their cases online. This may seem rudimentary, but for a justice system that relies primarily on paper filing and

faces resource constraints, it represents a radical change. Phase III of the Project, in particular, seeks to integrate AI tools for case management and administrative efficiency.

Thus, AI tools can provide a significant boost to the e-Courts Project and the objective of reducing pendency and delays. The hypothetical tool would be required to parse the case files, convert machine-readable files to text, and categorise cases based on their content. Thereafter, the tool would be necessary to allocate a timeline for listing the case, based on its nature and the potential harm to the parties, as well as the availability of lawyers, given their other engagements and hearings. The use of the tools will further reduce the requirements of oral mentioning before the courts for listing and hearing the matters. Additionally, by accounting for the availability of the lawyers, the courts may function in a faster manner, wherein the adjournments may only be granted due to exceptional circumstances. While there are paper-based and computerised mechanisms that do take into account unavailability of lawyers and adjournment requests at the Supreme Court and High Courts, the algorithmic tools can provide a dynamic system which can work in real-time and across various judicial fora.

However, the tool can only be used if a uniform standard of listing and hearing, either on a national level or for each court is laid down. In the absence of clear procedure and guidelines, the AI tool is also likely to struggle for clarity and its functioning.

Such a system is not beyond current AI research. The Digital Courts Vision & Roadmap Document for Phase III of e-Courts lists the key goals for the phase. The document explicitly states that AI will generate cause lists based on factors such as subject matter, stage, and urgency. This would assist in prioritisation of hearing. However, to ensure that the human in the loop is present, the judges would have the power to override the listing and advance a matter manually. A recent pre-print highlights a framework for classifying and prioritising cases based on several parameters, including crime severity, filing date, hearing data, priority level, and legal sections. The algorithm efficiently allocated cases and achieved high satisfaction among judges and registrars, achieving precision of 99.8% and F1 score of 99.7%. Similarly, Peru's Amauta Pro system seeks to provide 'timely and effective' protection measures to victims of domestic violence and is reported to have reduced draft resolution of protection measures from three hours to forty seconds.

However, in developing such mechanisms, “[i]mproper development or use of AI in the justice sector can result in disparate treatment between individuals or groups”. Thus, it is essential that key principles of responsible AI be utilised and that guardrails be developed throughout the lifecycle of such tools. For instance, training data, which is likely to be based on past cases and procedures, may be non-representative of current demographics and realities. This may result in adverse outcomes for cases and individuals, which could be magnified once the system is implemented at scale. Thus, the training data must be parsed and weighted before use to ensure it reflects the legal system’s priorities for which cases should be listed and resolved first. UNESCO’s Guidelines for the Use of AI Systems in Courts and Tribunals, which lay down fifteen principles for developing, acquiring, and utilising AI systems ethically and respecting human rights, can provide a benchmark for the same.

Second, given the challenges with black-box AI tools (i.e. tools wherein the algorithm systems remain hidden, unexplainable, un-auditable and/or too complex for humans to understand) and their lack of explainability, one must ensure that AI tools are white-box (i.e., transparent, explainable, auditable and

understandable by humans), focusing on consistency, correctness, and the explainability of outcomes rather than speed. Further, the human-in-the-loop feature of the tool must be prioritised, enabling humans to meaningfully interact with and influence the AI tool’s decisions. The Roadmap Document has already noted this element as a feature that must be implemented.

CONCLUSION

By developing and using such an AI tool, delays that beset the legal system can be reduced, and litigants can have their disputes resolved within a timeframe that does not lead to a denial of justice. More importantly, the use of such tools can further strengthen the rule of law by providing clear guidelines, reducing arbitrariness, and ensuring greater transparency and accountability.

BEYOND NOVELTY — A.I. AND THE INDIAN JUDICIARY

By Abhayaditya Singh

INTRODUCTION

The Preamble to the Constitution of India begins with a promise to secure for all its citizens social, economic and political justice. The decision to adopt the Preamble after the remainder of the Constitution had been deliberated upon by the Constituent Assembly and was a conscious choice; only then could the Preamble embody the spirit of the Constitution.

It is of little controversy, then, to say that access to justice is not merely the capacity to access India's justice-delivery system. Rather, it is the ability to secure for oneself the broader, multi-faceted guarantees of justice envisioned by the Constitution. The two formulations of access are not contradictory but complementary. Even after a litigant institutes proceedings before a judicial authority, gaining formal access, the process must safeguard the litigant's Constitutional promise of socio-economic-political justice.

However, even a cursory glance at India's judicial pendency data suggests delays of years and sometimes decades before final adjudication. Against this backdrop, technological reform has long been proposed as a solution. Artificial Intelligence ("AI") is the latest major technological development, and has the potential to change practice of the law and judicial governance forever.

Before proceeding further, let us define the terms used in this piece. AI is the umbrella term for computer systems that can perform tasks typically requiring human intelligence. Machine Learning ("ML") is a subset of AI involving the development of algorithms and statistical models that enable machines to learn from data, without being explicitly programmed. Large Language Models ("LLMs") are AI models designed to emulate human language. Unless explicitly stated otherwise, I will use the broader term 'AI' for the sake of convenience.

We now come back to the potential of AI to help further the cause of access to justice. I propose two broad applications of AI: Decisional and Non-Decisional. Decisional Applications are for functions that typically require an active application of mind, such as judicial pronouncements and contract-drafting. Conversely, Non-Decisional Applications are for tasks which may be performed on the basis of data alone, such as administrative and mechanical functions.

The purpose of this piece is twofold. First, to identify areas in India's judicial functioning that may be helped by adoption of AI tools and processes, helping ensure access to justice.

Second, to identify potential harms in the adoption of AI which may hamper the fulfillment of the broader Constitutional promise. The above bifurcation of AI's applications has been undertaken to this end.

NON-DECISIONAL APPLICATIONS

Former CJI RC Lahoti proposed the constitution of the e-Committee of the Supreme Court, which has since helped develop case management software, undertake digitization of court records, and analyse data pertaining to utilization of resources and effectiveness. The primary focus of the e-Committee has been improving judicial productivity through technological interventions.

Case Information System ("CIS") for the district judiciary allows for case/docket management, integrating processes such as e-filing, e-payments, and delay management. JustIS, an android app designed for Principal District Judges, allows them to monitor cases for the entire area under their jurisdiction. These are two examples of technology being implemented to improve judicial efficacy and accountability. What, then, could the use case be for AI?

AI's greatest strength is pattern-detection. AI could sift through large data sets in a matter of seconds to analyse trends and prevailing practices. Portals such as CIS and JustIS already retain data such as case type, case status, nature of hearing, date of institution/initiation of a case, and provisions of the law involved. Based on the available data, AI could be used to improve judicial accountability and undertake administrative tasks.

Nonetheless, there is cause for concern in applying these algorithms for the listing of cases. Speaking to a senior district judge, I was informed that the usual practice is to give the oldest cases the highest priority. The question which then arises is whether AI can be relied upon to identify and prioritize different manners of 'urgent' cases. When faced with an anticipatory bail application and a revision application requiring stay of a lower court's order, what would AI prioritize? This is why human interference cannot be wholly done away with. However, AI could still be relied upon to categorize different manners of cases to provide the judges with greater overview and, consequently, control over their dockets.

Possible Non-Judicial Applications include automated flagging of stagnating cases, bail delay monitoring, vacancy and disposal rate diagnostics. AI is not being proposed as a problem-solver.

Instead, taking a step back, its potential lies in identifying problems faced by the judiciary on the administrative side. AI provides a platform to formulate informed questions, but the answers must still come from human deliberation and intervention. The next step in judicial administration is to build upon already available infrastructure and utilize data to make informed policy decisions.

While suggesting that we build upon the existing infrastructure, I would be remiss in not talking about India's geographical class divide. Laptops and Tablets are par for the course in 'Tier-1' jurisdictions, with e-filing increasingly being favoured. Conversely, handwritten cause lists, orders, and pleadings continue to remain the norm across most others. In such districts, the e-Courts portal remains notoriously unreliable, be it for listing dates or accessing previous orders. AI is rendered useless in the absence of such data, which further deepens this class divide. So long as we fail to provide an access to justice that is truly equal, India will continue to fall short of its constitutional promise.

DECISION-ORIENTED APPLICATIONS

I have previously stated that AI's strength lies in pattern recognition. Analyzing similar sets of facts, across thousands of cases, AI could reliably predict what the outcome of a given

case may be. It is tempting, then, to state that AI may be used to supplant judges and forego the possibility of human error and biases. After all, is this not how precedents function in common law? This belief may be misguided on three grounds.

First, AI, by its very nature, cannot yet be free of error. ML algorithms continuously build upon data fed to them. For our use case, this data would comprise of judicial pronouncements and evidence presented by the parties. The biggest hindrance in decision-oriented applications are hallucinations, instances where LLMs generate information that is misleading, factually inaccurate, or logically incoherent in response to certain prompts. The model produces outputs that may sound plausible but lack grounding in reality or reliable sources. Unlike human learning, which is robust and continuously self-correcting, AI is unable to update its 'beliefs' based on error.

Second, biases are not endemic to humans. Even in the best-case scenario, when faced with similar sets of facts, AI must always return the same ruling. When AI is trained on data generated by humans, it is of no surprise that it reflects human biases. However, as noted above, the possibility of self-correction is unique to humans. Preventative applications of AI, especially in mitigation and sentencing such as Spain's VioGén or USA's COMPAS, must therefore be thought

of with a measure of caution. AI, today, may reproduce human biases but without the ability to learn from its own previous errors.

Third, the applicability of precedents is often a question of interpretation. AI may reliably reproduce the facts of a case, the precedents relied upon in the case, but it cannot extract the essence of a ratio. This gives cause for concern when the prompts entered into LLMs govern their outputs. A mere change in phrasing could change the entire outlook of a case.

The decision-oriented applications of AI must not be substitutive but complementary to human adjudication. Summarizing dense briefs are tasks entrusted to law clerks in the Constitutional Courts. Owing to institutional and financial constraints, the same assistance is often not available to the subordinate judiciary, despite an equivalent case load. This is where AI usage goes beyond chatbots and instead offers assistance in adjudication.

CONCLUSION

AI's promise for India's judiciary lies not in replacing judges, but in strengthening the institutional conditions under which judging occurs. Deployed carefully, AI-driven tools can help trial courts manage dockets more rationally, detect systemic bottlenecks, monitor pendency, and provide analytical assistance to judges operating under severe time and resource

constraints. In a system where the average district judge handles hundreds of matters daily, even modest gains in administrative efficiency and informational clarity can meaningfully advance access to justice.

Regardless, the risks of uncritical adoption are substantial. Algorithmic systems trained on historically biased data may entrench rather than remedy inequality. Opaque predictive tools, particularly in bail, sentencing, or case disposition contexts, threaten core constitutional values of reasoned decision-making, accountability, and judicial independence. Moreover, the uneven technological infrastructure of India's courts risks deepening existing divides between jurisdictions, litigants, and social classes, converting digital reform into another axis of exclusion.

The notion of justice envisioned by our Constitution is expansive. Any endeavour to guarantee access thereto must therefore not just be about gaining access to the courts, but to ensure timely and effective adjudication of one's cause. The question which arises, therefore, is not whether AI should enter India's judicial system, but how. Its role must remain supportive rather than substitutive, transparent rather than inscrutable, and institutionally governed rather than privately embedded. Above all, any technological reform must be evaluated not by gains in efficiency alone, but by whether it advances the Constitution's deeper promise. That justice be not merely accessible in form, but effective in substance, equal in operation, and humane in outcome.

AI AS A LENS FOR JUSTICE: HOW NON-PROFITS ARE HARNESSING TECHNOLOGY TO EXPAND ACCESS

By Mr. Rahul Rishi

INTRODUCTION

Access to justice is often discussed in the context of courts, lawyers, and state-led legal reforms. Such framing, while important, tend to privilege formal legal institutions and processes. However, for a significant proportion of the population particularly those located at the socioeconomic margins civil society organizations act as vital links between the formal justice system and the communities they serve. Non-profit organizations play a crucial role in this ecosystem by providing legal aid, improving legal literacy, and reaching vulnerable populations. For many individuals, these civil society organizations (“CSOs”) represent the first, and sometimes only, point of contact with the justice system.

As non-profit organizations increasingly adopt Artificial Intelligence (“AI”) tools in both service delivery and in their everyday internal processes and operations, AI is beginning to influence how access to justice is mediated on the ground. From chatbots that offer legal and welfare information to grievance bots that ease the filing of public service compliments, AI is re-imagining governance. At the same time, these technologies raise critical concerns regarding accountability, lack of transparency, bias, data protection, and the preservation of human judgment in justice-oriented work.

At this juncture, this essay looks at AI adoption by non-profit organizations in the social sector through the lens of access to justice. It argues that when civil society actors deploy AI to mediate access to rights and remedies, technolo-

-gy becomes a justice-shaping tool rather than a neutral operational aid. Situating non-profits as key intermediaries in the justice ecosystem, the paper explores how AI can be harnessed to strengthen access to justice, while also cautioning against uses that risk entrenching exclusion or undermining core legal and constitutional values.

MAPPING THE AI TERRAIN

According to the India AI Readiness Report, India remains in a nascent stage of AI adoption. Around 30% of respondents reported never having used AI in any form. Among adopters, a clear divide emerges between early and late adopters. Early adopters tend to be larger, urban-based organizations with greater technical capacity, while late

adopters are typically smaller, rural-focused organizations that are less likely to use AI beyond basic generative tools. Despite these limitations, AI offers significant potential to dismantle language, literacy, and systemic barriers to justice. For instance, Open NyAI launched Jugalbandi in 2022 which facilitates access to authoritative sources of information through everyday chat apps like WhatsApp. This allows farmers to interact with an AI in their own language using text or voice, allowing them to overcome linguistic and literacy barriers. Similarly, LAILA, an AI assistant designed for truck drivers, helps users navigate safer and legally compliant routes, allowing them to avoid fines and legal complications. These AI solutions, often developed by non-profits in partnership with technology enablers, can help bridge structural gaps within the justice system. By enabling individuals to understand their rights and identify appropriate remedies, such tools act as powerful equalizers within otherwise inaccessible systems.

Beyond service delivery, non-profit organizations are also adopting AI for internal operational processes such as drafting content, creating images, analyzing data, and automating workflows. Illustratively, Pacta applies large language models and named entity recognition to review Chief Commissioner of Persons with

Disabilities (“CCPD”) orders, quickly identifying complaint types, complainant profiles, geographies, and resolution trends, enabling faster, calculable insights on challenges faced by persons with disabilities.

Another example is that of Rocket Learning, an educational platform, which uses an AI-powered backed to track parental engagement, generate insights, and conduct iterative testing to improve content effectiveness. Such innovation can also extend to fundraising processes – consider DaanVeda, which leverages AI to automate fundraising intelligence for non-profits. While not explicitly framed as justice-oriented, such operational efficiencies indirectly enhance the organization's capacity to deliver rights-based outcomes at scale.

These examples illustrate how AI solutions, often developed by non-profits in partnership with technology enablers, can help bridge systemic gaps within the justice ecosystem. By facilitating access to information and guiding users toward lawful and efficient decision-making, such tools enable individuals not only to understand their rights, but also to actualize available remedies. In this sense, AI functions as a potential leveller, mitigating structural disadvantages that prevent marginalized groups from engaging meaningfully with formal systems of governance and law.

A ROCKY ROAD AHEAD

Despite its promise, AI adoption in the social sector is accompanied by significant risks. These include misinformation, bias, data breach and legal and regulatory compliance challenges. Misinformation, particularly in the form of AI hallucinations and fabricated responses, poses a serious concern in justice-related contexts. When AI tools provide incorrect legal or welfare information, the consequences can extend beyond inconvenience to actual rights deprivation.

Algorithmic bias represents another serious challenge. AI systems trained on incomplete or skewed datasets may reproduce existing social biases, leading to discriminatory outcomes. This concern is shared by many AI users; the ‘GivingTuesday’ study found that 54% are concerned about bias in AI systems. An example of how this bias may affect non-profits is the use of AI to support grant application review. If an AI system is trained largely on data from previously funded applicants, it may favour organizations with established funding histories. Consequently, newer or smaller non-profits may be disadvantaged, regardless of the quality or potential impact of their proposals. Such outcomes can contribute to inequitable funding decisions and reinforce existing disparities within the non-profit sector.

Data breaches present another significant risk associated with the use of AI, particularly when systems handle sensitive personal data. Research by IBM indicates that in 2025, the average organizational cost of a data breach in India was INR 220 million. Nearly 60% of breached organizations either lacked an AI governance policy or were still in the process of developing one. Among organizations with such policies, only 34% deployed AI governance technologies. Shadow AI, the use of AI tools without oversight from an organization's IT or governance structures, was identified as one of the top three cost drivers of data breaches in India, adding an average of INR 17.9 million per breach. Despite these risks, only 42% of organizations reported having policies to manage or detect shadow AI.

For non-profits, this risk is particularly acute when AI tools are used to process sensitive beneficiary data. For example, a non-profit providing legal aid or welfare services may rely on an AI-powered tool to summarize case files or assess eligibility, inadvertently uploading personal or confidential information into an external or proprietary system without adequate safeguards. The opaque, “black box” nature of many AI models further complicates compliance, as organizations may have limited visibility into how data is stored, processed, or reused.

With the notification of the Digital Personal Data Protection (“DPDP”) Rules operationalising the DPDP Act, 2023, which imposes elevated consent and notice requirements, the cost of non-compliance has increased substantially, with penalties for data breaches reaching up to ₹250 crore. Therefore, it is imperative that the non-profit ensures alignment of the AI service provider’s data practices with the extant regulations prior to commissioning AI development services or licensing AI tools for use.

While many organizations are adopting relatively straightforward AI applications, they are lagging in developing the data governance and risk management frameworks needed to support their use. This gap is reflected in the India AI Readiness Report, which finds that Indian respondents express lower levels of concern about privacy and model bias than their counterparts in the United States. Although this may partly be explained by lower levels of AI adoption, it also signals a broader governance deficit. As AI use continues to expand and the DPDP framework becomes fully operational, the absence of institutional AI use policies within non-profits risks exposing both organizations and their beneficiaries to significant harm.

CONCLUSION

AI adoption in the social sector has the potential to transform access to justice by lowering barriers, improving efficiency, and enabling scale. Yet when non-profit organizations deploy AI to mediate access to rights and remedies, they assume a heightened responsibility to ensure that these technologies align with principles of fairness, accountability, and human dignity. Without adequate governance frameworks, AI risks reproducing existing inequities or introducing new forms of exclusion. As front line justice intermediaries, civil society organizations must therefore approach AI not merely as a tool of innovation, but as a justice-sensitive intervention requiring deliberate ethical, legal, and institutional safeguards.



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