India's Draft Regulations for Use of AI in Courts: Insights from consultation undertaken by UNESCO and the Centre for Communication Governance at National Law University[1]

The Supreme Court of India has released a draft "Regulations for Use of Artificial Intelligence in Courts, 2026 (Draft Regulation)"[2] governing AI use across the country's judiciary, from the apex court down to High Courts and other courts, tribunals and statutory commissions. The Draft Regulation rightly draws a clear line: while AI may support court functions in an assistance capacity, it cannot substitute for judicial reasoning.[3]

The authority on matters of law, fact, and judgement remains with the judges. This is an important development given that courts around the world are increasingly experimenting with AI-assisted decision-making. In many jurisdictions, algorithmic tools have been deployed to assess risks, patterns, and the likelihood of reoffending. Such systems have drawn criticism over concerns such as biases, discrimination and inadequate transparency.[4] [5] [6]

Against this backdrop, the Centre for Communication Governance at National Law University Delhi (CCG-NLUD) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) jointly organised a virtual stakeholder consultation on June 16, 2026.

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[1]This report is authored by Asheef Iqubbal of the Centre for Communication Governance at National Law University Delhi (CCG-NLUD), with inputs from Jhalak Kakkar, Vidya Subramanian, Seerat Jabeen, Shivani Mago, Gopika P., from CCG NLUD and Prateek Sibal and Teow Junhao from UNESCO. We are grateful to all the speakers and participants (listed at the end of this document) for sharing their insights and on the Draft Regulations for Use of AI in Courts. This report draws on the perspectives and inputs shared during the consultation organised by CCG-NLUD with support from UNESCO on 16 June, 2026. For any questions regarding this submission, UNESCO can be contacted at : p.sibal@unesco.org and CCG at: jhalak.kakkar@nludelhi.ac.in

[2]https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2026/06/2026060342.pdf

[3]https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2026/06/2026060342.pdf

[4]https://frontline.thehindu.com/incoming/india-ai-risk-scoring-ban/article71108518.ece

[5]See UNESCO Global Toolkit on AI and the Rule of Law: https://unesdoc.unesco.org/ark:/48223/pf0000387331

[6]See Report of the UN Special Rapporteur on Independence of judges and lawyers on Artificial intelligence in judicial systems: promises and pitfalls, submitted to the UN General Assembly on 16 July 2025: https://www.ohchr.org/en/documents/thematic-reports/a80169-ai-judicial-systems-promises-and-pitfalls-report-special

The consultation was informed by UNESCO's Guidelines on the Use of AI Systems in Courts and Tribunals[7], UNESCO Global Judges' Initiative: survey on the use of AI systems by judicial operators[8], UNESCO Global Toolkit on AI and the Rule of Law[9] and AI Essentials for Judges[10].

The discussion brought together a diverse group of stakeholders, including researchers, legal practitioners, representatives from civil society organisations, and members of law firms. The discussion unpacked how the justice system can harness the benefits of AI without compromising on judicial legitimacy, due process, and human rights.

The Draft Regulations on the use of AI in the judiciary are a meaningful effort to establish safeguards and governance mechanisms for AI deployment in courts. Their effectiveness, however, would depend not only on thoughtfully framed regulations but also on the judiciary's institutional capacity to implement, monitor, and enforce them in practice. Based on the inputs, we have offered suggestions on how to ensure that the use of AI in courts is trustworthy, transparent, and just.

1. The Need for Greater Clarity on Purpose and Regulatory Objectives

Before evaluating the specific safeguards and institutional mechanisms proposed in the Draft Regulations, it becomes pertinent to address a fundamental question: What objective are these regulations intending to achieve?

The Draft Regulations articulates an extensive governance architecture for AI within the judiciary, but provides limited clarity regarding the objectives that may justify the need for the integration of AI. It remains unclear whether the primary goal is to improve judicial decision-making, reduce pendency, enhance administrative efficiency, expand access to justice, or facilitate broader AI adoption within judicial institutions. This lack of clarity has consequences. Without a clearly defined problem statement, it becomes difficult to assess whether AI is an appropriate solution, whether the proposed safeguards are proportionate, and whether the governance mechanisms are suitably designed to achieve the intended objectives.

[7]UNESCO Guidelines on the Use of AI Systems in Courts and Tribunals: https://www.unesco.org/en/articles/guidelines-use-ai-systems-courts-and-tribunals
[8]UNESCO Global Judges' Initiative: survey on the use of AI systems by judicial operators: https://unesdoc.unesco.org/ark:/48223/pf0000389786
[9]Global toolkit on AI and the rule of law for the judiciary: https://unesdoc.unesco.org/ark:/48223/pf0000387331
[10]AI essentials for judges: https://unesdoc.unesco.org/ark:/48223/pf0000396991

The need for greater justification is particularly important given the judiciary's long history of technological reform. Significant public investment has already been made in digitisation initiatives and development and deployment of AI-enabled tools such as legal research and translation systems.[11] Yet, there has been little progress towards the public evaluation of these deployments and their impact. There is limited evidence regarding whether these tools achieved their intended objectives, improved efficiency, or generated measurable benefits. Before introducing a regulatory framework with system-wide implications, there is a need to conduct and publish evaluations of existing deployments. Such assessments would provide an evidence base for future policymaking and help establish a clearer rationale for regulatory intervention.

The Draft Regulations would therefore benefit from a dedicated statement of purpose that identifies the problems being addressed, the outcomes being sought, and the evidence supporting the proposed approach.

2. Judicial Data Governance as a Foundational Requirement

Many of the questions raised by the draft regulations are ultimately questions about the collection, processing and use of data rather than AI alone. The judiciary currently lacks a comprehensive and publicly available framework governing the collection, management, sharing, retention, reuse, and protection of judicial data. This is a significant gap since AI governance measures are necessarily dependent on the underlying data governance arrangements.

The Draft Regulations proceed on the assumption that courts may use judicial data for AI development and deployment because they possess and control that data. However, possession alone does not resolve questions concerning permissible use. Underlying this is a deeper, unresolved question about judicial data itself. Possession of data does not automatically confer the right to repurpose it for AI training, yet the regulations seem to assume that custodial control is sufficient justification.

Provisions on ownership of AI tools built using judicial data also overlook that vendors typically invest heavily beyond the data itself, in engineering, infrastructure, and maintenance, making blanket court ownership impractical without courts also absorbing those costs. Data protection obligations are similarly hedged, applying "where applicable" in ways that create uncertainty about whether judicial exemptions extend to AI training, which is conceptually distinct from adjudication itself.[12]

[11] For example https://optimizeias.com/supace/ and https://www.biharwatch.in/2024/06/supreme-court-vidhik-anuvaad-software.html

[12] https://ccgdelhi.s3.ap-south-1.amazonaws.com/uploads/undp-drafting-data-protection-legislation-march-2023-443.pdf

These concerns are particularly significant because the use of judicial data for AI training is a distinct activity from the administration of justice itself. For example, while litigants may provide personal information to courts for the purpose of adjudicating their cases, the subsequent use of that data to develop or train AI systems serves a different purpose. In such circumstances, courts should ensure that any consent for AI training is obtained clearly, specifically, and without ambiguity, rather than assuming that consent given for judicial proceedings extends to AI development activities.[13]

Important questions remain unanswered, such as:

- What interests do litigants and affected individuals retain in judicial data?
- What authority do courts possess to repurpose data beyond the purposes for which it was originally collected?
- Under what conditions may judicial data be used for AI development, training, and deployment? And to what extent?
- What safeguards should apply when personal data is involved?

The Draft Regulations should therefore be preceded, or accompanied by, a comprehensive judicial data governance framework that clearly addresses issues related to data ownership, access, retention, secondary use, anonymisation, privacy protection[14], and accountability.

A related concern involves data quality issues. Although courts have made significant progress in digitisation, many judicial processes remain paper-based and are only partially digitised.[15] The data currently available through judicial platforms may therefore be incomplete, fragmented, or insufficiently representative for training advanced AI systems. Any discussion on AI deployment must acknowledge these limitations, or even have the extent of AI use permissible pegged to the quality and comprehensiveness of data available.

3. Institutional Capacity and Governance Readiness

Effective AI governance depends not only on rules but also on institutional capacity to operationalise and implement the regulations. The Draft Regulations recognise the need for specialised oversight and propose new governance structures, including an Apex

[13] https://ccgdelhi.s3.ap-south-1.amazonaws.com/uploads/ccg-nlud-comments-on-the-digital-personal-data-protection-rules-2025-1-742.pdf
[14] https://ccgdelhi.s3.ap-south-1.amazonaws.com/uploads/ccg-comments-on-the-thematic-report-on-the-right-to-privacy-in-the-digital-age--250.pdf
[15] https://www.freelaw.in/legalarticles/E-Courts-in-India-Progress-Challenges-and-Future-Prospects-

Body, AI Committees, verification authorities, grievance mechanisms, and auditing processes. While these proposals show a commendable effort to create oversight mechanisms, they raise important questions regarding institutional capacity to enforce governing principles laid down in the draft.

These measures are designed to strengthen oversight, but they also presuppose a baseline of administrative, technical, and financial resources that enables them to function as intended. The India Justice Report 2025 offers a useful empirical context. Between 2020 and 2024, pending cases in Indian courts rose by nearly 20%, even as judicial vacancies stayed high: High Courts often operate with roughly a third of sanctioned judicial positions unfilled, and India averages one High Court judge for every 1.87 million people. Against this backdrop, the Draft Regulations expectations may be challenging to meet. It asks High Courts to build dedicated institutional structures capable of evaluating AI systems, monitoring their deployment, conducting audits, maintaining records, and responding to incidents, work that requires specialised expertise and sustained investment.[16]

A related challenge also runs through the framework's "human verification" requirement under 19(c), which may mandate officials to check AI-generated outputs before they would be used in judiciary. This is because Courts in India are already struggling with the fake citation in the submissions.[17] The safeguard is a sound one in principle, but verification at scale is itself resource-intensive, especially where AI systems produce high volumes of content. Without the staffing, training, and institutional support to carry it out properly, this requirement risks becoming another burden on courts that are already overburdened. This could undercut efficiency gains AI deployment is meant to deliver in the first place.
[18]
Courts may not currently possess the technical expertise necessary to:

- evaluate AI systems;
- conduct impact assessments;
- perform technical audits;
- oversee vendors;
- monitor performance over time; or
- investigate AI-related harms.

AI governance requires expertise that extends beyond traditional information technology administration. Effective oversight will require multidisciplinary

[16]
[17] https://www.livelaw.in/top-stories/menace-of-citing-ai-generated-fake-judgments-rampant-not-just-in-india-across-world-supreme-court-527795

participation, including social science and legal experts on artificial intelligence, ethics, procurement, technology governance and policy, auditing, contract management, data protection, experts on human-centred design, as well as representatives of judicial training institutions to bring a focus on capacity building needs. These are socio-technical systems that require expertise across both social and technical domains.

Similarly, UNESCO's Guidelines on the Use of AI Systems in Courts and Tribunals' principle on multi-stakeholder governance (Section 1.15) calls for meaningful participation by affected communities, women, persons with disabilities, children, and the general public throughout the AI lifecycle. However, the involvement of external stakeholders in the draft regulations is not mandatory and is limited in scope to universities, researchers, and the private sector (p. 19, Regulation 33(6)). To strengthen public trust in AI systems, the regulations should treat multistakeholder governance as a governance obligation, instead of a discretionary consultation, to effectively engender public trust in the use of AI systems by the judiciary .

With the limited capacity that the courts themselves might have internally, the regulations should therefore place greater emphasis on developing long-term institutional capacity rather than solely creating multiple new governance bodies. Dedicated technical cadres, specialised training programmes, and sustained investment in expertise may prove more important than the establishment of multiple committees. In the absence of sufficient technical capacity internally, some of the non-core functions assigned to these new governance bodies (such as the study and benchmarking of regulations globally) could also be implemented in partnership with research centres.

4. Governance Architecture and Constitutional Concerns

The Draft Governance framework raises important questions regarding institutional design and constitutional structure. A concern is the degree of centralisation contemplated by the draft regulations. The Apex Body appears to be entrusted with a broad range of functions, including approval of AI systems, impact assessments, audits, and ongoing oversight. While centralisation may help address capacity constraints and promote consistency, it also raises constitutional and practical concerns arising out of language and cultural contexts significant to the workings of lower courts.

The arrangement also raises questions in light of India's constitutional structure, under which the Supreme Court and High Courts operate as autonomous institutions rather than administrative subordinates. Requiring High Courts to comply with centrally determined standards could create tensions with this institutional design. Earlier judicial technology initiatives, including e-Courts, expanded through voluntary adoption by each court rather than through central mandates.

At the same time, substantial variation exists across High Courts in terms of technological capacity, expertise, and readiness. A purely decentralised model may therefore be challenging.

Hence, the challenge is not simply choosing between centralisation and decentralisation but designing a governance framework that balances:

- institutional autonomy;
- technical capacity;
- consistency of standards; and
- practical implementation realities.

A model combining central coordination with flexibility and decision-making authority at the High Court level may provide a more effective approach.

5. Accountability and Allocation of Responsibility

The Draft Regulations prohibit the sharing of source code, algorithms, or datasets with third parties for external audits and instead require audits to be conducted through in-house processes (Regulation 38(2), p. 21). While this approach may be intended to protect system security and confidentiality, it may limit transparency and restrict opportunities for independent scrutiny by civil society, researchers, and experts. Minimally, if the audits are done in-house, it would be important to lay out the methodology of the audits and the reports should be made publicly available for independent review by researchers.

The proposed approach in the Draft Regulations also departs from UNESCO guidance (Section 2.1.11 of the Guidelines on the Use of AI Systems in Courts and Tribunals). The UNESCO Guidelines encourage judicial institutions to involve civil society and independent auditors in the oversight of AI systems, particularly where high-risk applications are concerned. The challenge is especially acute because many AI tools adopted by courts are likely to rely on proprietary models that offer limited transparency, auditability, and explainability.

The Draft Regulations require courts to conduct AI audits internally while restricting the sharing of source code and data beyond court premises except in limited authorised circumstances. This approach raises concerns about whether courts possess the technical expertise, institutional capacity, and resources necessary to effectively assess complex private AI systems, particularly opaque or black-box models. The absence of

mechanisms for independent external auditing may weaken accountability and reduce public confidence in the oversight of AI systems used within the judiciary.

More importantly, the Draft Regulations focus mainly on design, procurement, deployment, and audits (p. 4, Regulation 3(t)). However, a complete AI lifecycle should include two additional phases: the pre-design stage, to ensure the involvement of multiple stakeholders; and the decommissioning stage, to account for the safe disposal of data collected in the AI system.

Moreover, the draft regulations contain grievance-redressal mechanisms but do not articulate a coherent theory of accountability.

Important questions remain unresolved:

- Who bears responsibility when AI systems cause harm?
- How should liability be allocated across courts, vendors, developers, and oversight bodies?
- What remedies should be available to affected individuals?
- What standards should govern fault, responsibility, and compensation?

The framework appears to assume that the deployment of AI will be responsible unless proven otherwise. In contexts involving rights, liberties, and access to justice, there is a strong argument that responsibility should operate in the opposite direction. By placing the burden on affected individuals to prove harm, the framework risks undermining accountability, particularly for marginalised communities that often face barriers in identifying harms and accessing remedies.

As a result, the existence of a formal right to seek redress may not necessarily translate into meaningful access to remedy. This challenge may be particularly acute in lower courts, where litigants are less likely to be aware of AI deployments or of mechanisms such as AI Registers and High Court AI Committees. The effectiveness of the framework will therefore depend not only on the availability of grievance procedures but also on whether adequate disclosure, awareness, accessibility, and institutional support mechanisms are in place to enable individuals to exercise their rights in practice. Without such measures, there is a risk that accountability mechanisms remain underutilised, limiting their ability to identify harms and provide effective remedies.

While grievance-redressal mechanisms are important, they are only one component of a broader accountability framework. The regulations should also incorporate independent oversight, external auditing, contestability rights, ex ante approval processes, clear liability rules, transparency obligations, incident reporting requirements, and

mechanisms for continuous review and decommissioning. Institutional oversight bodies should include independent members from civil society and academia to ensure broader expertise, strengthen accountability, and enhance public trust. These measures would provide a more comprehensive approach to accountability across the AI lifecycle.

6. The Limits of Principles-Based Regulation

The Draft Regulations rely heavily on broad commitments to constitutional values, fairness, accountability, transparency, and natural justice. These principles are important, but they are currently articulated at a level of abstraction that provides limited guidance for implementation.

Many constitutional and administrative law principles were developed in relation to human decision-makers. AI systems, however, operate differently.[19] Consequently, translating legal principles into technical and operational requirements presents a significant governance challenge. The regulations should move beyond broad normative commitments and provide greater clarity regarding:

- what compliance requires;
- how compliance will be assessed;
- what consequences follow from non-compliance.

Without such operational guidance, many obligations risk remaining aspirational rather than enforceable.

7. Ambiguity in Scope, Permitted Uses, and Disclosure Obligations

Provisions of the Draft Regulations would benefit from greater precision. First, the framework does not clearly identify the categories of AI systems it seeks to regulate. It remains unclear whether the primary focus is on generative AI, large language models, predictive systems, rule-based systems, or all AI technologies. For example, the draft guidelines appear unclear on how they would regulate the personal use of generative AI tools in judicial proceedings. A judge may use a large language model that has not been approved, assessed, or authorised by any relevant authority, raising questions about oversight, accountability, and compliance with the proposed framework.

Second, the distinction between permitted and prohibited uses is often weakened by broad qualifications such as “human oversight” requirements and exceptions allowing departures “for reasons to be recorded in writing.” This creates uncertainty about the

[19] https://ccgdelhi.s3.ap-south-1.amazonaws.com/uploads/ccg-nlu-comments-to-dot-on-the-discussion-paper-on-indian-ai-stack-327.pdf

actual boundaries of permissible deployment and may grant significant discretion in applying exceptions, particularly where the criteria for doing so remain vague.

Third, the disclosure requirement for using AI in Indian judicial system relies on concepts such as "material assistance"[20] without clearly defining them. As a result, it is difficult to determine when disclosure obligations are triggered and what information must be disclosed. Transparency requirements should be more clearly articulated, particularly where AI systems play a significant role in case management, procedural administration, or functions that may affect litigants. Any use of AI, such as the use of AI chatbots to respond to assist litigants and other stakeholders in accessing Court services (p. 11, Regulation 19(f)), should also be made transparent.

More importantly, the Draft Regulations should incorporate algorithmic transparency and explainability requirements from the outset. Courts and AI providers should be required to disclose key information about how a system was developed, how it functions, the data on which it relies, and the limitations, risks, and uncertainties associated with its use. Such disclosures are essential to enable meaningful scrutiny, informed decision-making, and public trust in AI-assisted judicial processes.

8. Procurement, Ownership, and Public-Private Partnerships

The Draft Regulation may concentrate authority in a single Apex Body under Section 22. It is responsible for approving AI systems for court use, conducting their technical and ethical review, and auditing them on an ongoing basis. Globally, such a mechanism in the context of AI deployment by the judiciary is not common. For instance, Brazil's Synapses platform, often cited as a comparator, functions as shared infrastructure that courts may use rather than as a central authority that approves judicial AI systems.[21]

A second notable feature is the limited scope for revisiting certain prohibitions. Regulation 56 empowers the Apex Body to "relax or modify" provisions of the framework but expressly excludes Regulation 20 (prohibited uses of AI such as for risk scoring, surveillance or adjudication) from this authority. As a result, neither the Apex Body nor the Chief Justice of India, who appoints it, can modify the prohibitions contained in that regulation. This appears to be based on a concern that future administrators might gradually create exceptions to core safeguards and an effort to prevent such outcomes in advance - and it is appreciable that the Supreme Court has set this threshold.

However, ensuring these prohibitions are adhered to and operationalised in practice will require nuanced management and oversight. For instance, at the time of procurement of

[20]Section 43(1) of the Draft Governance
[21]http://sciencespo.fr/public/chaire-numerique/en/2023/03/03/article-artificial-intelligence-the-brazilian-judiciary-and-some-conundrums/

a system, although the prohibition on risk scoring is drafted narrowly, vendors may seek to market similar tools under alternative labels such as "scheduling aids" or "case prioritisation systems." There is a need for an independent socio-technical assessment to determine whether a system falls within the prohibited category. Instead, this assessment is assigned to the High Court AI Secretariat, which may rely heavily on how vendors describe their own products. The framework does not create a dedicated mechanism for independently scrutinising such classifications.

In addition, research points to the fact that at present, AI adoption in courts often occurs through informal, relationship-driven processes rather than structured procurement mechanisms.[22] Additionally, vendors frequently approach judges, registrars, and court staff directly to demonstrate their products.[23] Research has highlighted that pilot projects can also continue for extended periods; for example, some transcription and translation tools have been tested for months, while some systems have reportedly remained in pilot deployment for over a year.[24] However, reliance on informal engagement and individual preferences would create risks. Such approaches may not adequately assess performance, accuracy, accountability, and rights impacts, while also favouring vendors with greater access to decision-makers.[25] The Draft Regulation should mandate transparent, criteria-based procurement processes that would help ensure that AI systems are evaluated consistently and fairly before deployment.

The regulations would benefit from a clearer framework governing:

- intellectual property rights;
- licensing arrangements;
- procurement standards;
- public-private partnerships; and
- data-use agreements.

These issues are likely to become increasingly important as judicial AI adoption expands.

[22] https://www.undp.org/sites/g/files/zskgke326/files/2026-02/daksh_report_final_25.01_single_page_view.pdf
[23] https://www.undp.org/sites/g/files/zskgke326/files/2026-02/daksh_report_final_25.01_single_page_view.pdf
[24] https://www.undp.org/sites/g/files/zskgke326/files/2026-02/daksh_report_final_25.01_single_page_view.pdf
[25] https://www.digitalfutureslab.in/publications/ai-for-justice-ethical-fair-and-robust-adoption-in-india-s-courts

The draft regulations suggest that AI systems developed using judicial data or public resources should belong to the courts. While this objective is understandable, it raises practical concerns. AI systems derive value not only from data but also from private investments in engineering, infrastructure, maintenance, security, testing, and ongoing development. Requiring vendors to relinquish ownership rights may discourage participation and complicate procurement processes.

9. Developing Risk and Harm Taxonomies for Judicial AI Systems

The Draft Regulations establish audit requirements covering financial risk (p. 16, Regulation 28(1)), technical and ethical risk (p. 21, Regulation 9(1)), and cybersecurity compliance (p. 26, Regulation 48(5)). While this provides a reasonable starting point, the scope of auditing remains incomplete. The framework does not require any assessment of how AI systems affect the individuals who interact with them, particularly in relation to bias, discrimination, and fairness. Incorporating user-impact assessments would bring the framework closer to international good practice. The UNESCO Guidelines (Section 2.1.12) and its Ethical Impact Assessment methodology[26] provide a useful reference point for how such assessments could be designed and implemented.

A related gap concerns the risk categorisation employed. The regulations restrict the use of AI systems in "high-risk applications" (p. 8, Regulation 7(3)), but they do so without establishing a framework for classifying different levels of risk, or specifying what "independent oversight" of such use entails. This problem is compounded by the fact that the use of the term "high risk" - the only risk category explicitly referenced in the regulations, is not defined. As a result, the regulations create an obligation to avoid high-risk uses without providing the criteria needed to determine when that obligation applies. This creates significant scope for inconsistent interpretation and enforcement.

Addressing this gap would require the regulations to establish clear and operational criteria for identifying high-risk applications.[27] One possible reference point is the EU AI Act, which links risk classification to factors such as the context of deployment, the severity and likelihood of potential harms, and the categories of individuals affected.[28] Adapting a similar approach would provide a more robust and consistent basis for distinguishing between different levels of risk and applying corresponding safeguards.

Specifically, ensuring that AI use promotes human rights should be considered in developing risk and harm taxonomies. The judiciary should be required to take the

[26] https://www.unesco.org/ethics-ai/en/eia
[27] https://ccgnludelhi.wordpress.com/2026/04/02/an-ai-risk-assessment-framework-for-the-indian-context/
[28] https://artificialintelligenceact.eu/

necessary steps to respect, protect, and promote human rights and the rule of law throughout the AI systems' lifestyle, beyond the principle of "human primacy" referenced to in the draft (p. 7, Regulation 4).

10. Assessing the Environmental Costs of Judicial AI

The draft framework does not clearly articulate its primary objective, making it difficult to assess trade-offs with other policy implications, such as environmental impacts. For example, if reducing case pendency is a key objective, policymakers should be able to evaluate whether the efficiency gains from AI adoption justify any associated environmental costs. A clearly stated objective would enable a more transparent and balanced assessment of such trade-offs.

AI systems rely on large-scale data centres, which are highly resource-intensive: recent estimates suggest that data centres powering AI could consume up to 945 terawatt-hours of electricity annually by 2030, nearly three times the combined annual electricity consumption of Pakistan, Bangladesh, and Nigeria.[29] The environmental impact extends beyond energy use, as data centres also carry significant water requirements for cooling and contribute to land-use pressures through the infrastructure and supply chains needed to support power generation and distribution. Clearly defining the objectives of AI deployment would make it possible to assess these trade-offs transparently and determine whether the expected public benefits justify the economic, environmental, and social costs.

Accordingly, the Draft Regulation would benefit from incorporating UNESCO's recommendation to assess both the potential benefits of AI systems for different stakeholders, including the judiciary, litigants, legal professionals, and the broader public, and the judiciary's institutional capacity to effectively realise those benefits (Section 1.3). Incorporating this recommendation would enable the Indian judiciary to undertake a more evidence-based evaluation of AI systems by weighing their anticipated benefits against their financial, social, environmental, and operational costs.

11. Conclusion

The Draft Regulations present an important effort to initiate a conversation about AI governance within the judiciary, though many significant questions remain unresolved. The proposed regulation would benefit from clearer articulation on the governance of judicial data, a more coherent accountability structure, and clearer institutional arrangements. Importantly, the Draft Regulations should be grounded in a clearer articulation of why AI is being deployed, what problems it is intended to solve, and what

[29] https://news.un.org/en/story/2026/06/1167658

evidence supports its adoption. Without addressing these questions, there is a risk that discussions become focused on governance mechanisms without first establishing the purposes they are meant to serve, and without clearly defined goals, it is also difficult to determine whether the anticipated benefits justify the associated costs and risks.

Annexure

1. UNESCO AI Training Tools

UNESCO has also developed a suite of resources on AI governance, including some tailored for the judiciary. These resources may be consulted at the links below:

- UNESCO's Recommendation on the Ethics of AI: https://unesdoc.unesco.org/ark:/48223/pf0000381137.locale=en

- Massive Online Open Course (MOOC) on AI, Justice & the Rule of Law by UNESCO and University of Oxford. This tool is available free of cost for self-paced learning. It is developed under a Creative Commons IGO 3.0 license and can be further localised for the Indian context https://secure.sbs.ox.ac.uk/corporate/landingPage.do?method=load&corporateGroupId=7948447

- Global Toolkit on AI & the Rule of Law for the Judiciary provides a training curriculum for judicial training institutes on AI. The curriculum can be adapted by judicial academies in India to develop context relevant training programmes that build on global expertise and standards for AI governance https://unesdoc.unesco.org/ark:/48223/pf0000387331

- Guidelines for the use of AI systems in courts and tribunals: https://unesdoc.unesco.org/ark:/48223/pf0000396582?posInSet=58&queryId=N-d46a232b-5af7-4587-933b-3d41a21c6ab0

- Ethical Impact Assessment Methodology from UNESCO offers a template for the judiciary to identify which AI tools align with the goals set in the draft regulation: https://www.unesco.org/ethics-ai/en/eia

- AI Essentials for Judges: https://unesdoc.unesco.org/ark:/48223/pf0000396991

2. About the organisations

The Centre for Communication Governance at National Law University Delhi

CCG NLUD is a leading academic research centre working on information law, technology policy, and digital governance in India. The Centre engages with key subject areas such as privacy and data governance, artificial intelligence governance, platform regulation and Internet governance, while promoting research-driven public discourse. The work at CCG is designed to build the capacity of stakeholders in the ecosystem and enhance the quality of discourse on issues of privacy, equality, discrimination, and inclusion and access in the digital age. Its research and policy outputs aim to contribute to informed public debate and effective, research-led policymaking.

United Nations Educational, Scientific and Cultural Organisation

UNESCO works to advance the responsible and ethical use of artificial intelligence, including within the justice sector. Through its AI and the Rule of Law programme, UNESCO supports judicial actors in understanding and addressing the opportunities and risks associated with AI in courts and tribunals. Its work includes developing global guidance, building the capacity of judicial operators, and fostering informed dialogue on the legal and ethical implications of AI, with the aim of strengthening the rule of law and access to justice in the digital age.

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S.No.	Name	Organisations
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4	Mrudula Vanangamudi	Alternative Law Forum
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8	Vakasha Sachdev	Independent
9	Shweta Jain Chaudhury	Civic Data Lab
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28	Ashita Singh	UNESCO
29	Teow Junhao	UNESCO
30	Adil Chaudhary	UNESCO
31	Jhalak Kakkar	CCG NLUD

32	Seerat Jabeen	CCG NLUD
33	Gopika P.	CCG NLUD
34	Palash Srivastava	CCG NLUD
35	Shivani Mago	CCG NLUD
36	Asheef Iqubbal	CCG NLUD
37	Preeti Bhandari	CCG-NLUD