



RESEARCH ARTICLE

AI AND THE FUTURE OF CONSTITUTIONAL INTERPRETATION IN INDIA

Pooran Chandra Pande^{1,*} and Dr Asthana, K.B.²

¹Research Scholar of law, Maharishi University of Information Technology Lucknow, U.P., India

²Dean, Faculty of law, Maharishi University of Information Technology Lucknow, U.P., India

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*Corresponding author:

Mbeh Adolf Tanyi

ABSTRACT

Applications of Artificial Intelligence (AI) across different fields have revolutionized industries, and law is no exception. In India, the judiciary has traditionally acted as the interpretation of the Constitution based on conventional legal axioms and human judgment. But with the advent of AI in the guise of Natural Language Processing (NLP), machine learning (ML), and big data analysis, the trend of interpretation of law will shift. The application of Artificial Intelligence (AI) in different areas has revolutionized the domain of governance, law, and policy-making. Constitutional interpretation in India has been a man-centric process hitherto, led by legal professionals, judges, and the judiciary. But with growing powers of AI, particularly in handling huge amounts of information and inferring meaning from complicated systems, AI may be capable of making noteworthy contributions to the understanding of the Indian Constitution. This article discusses whether AI can be employed to interpret the Indian Constitution, how AI can be used in analysing large legal documents, precedents, and judgments in reaching more effective, consistent, and unbiased interpretations. While AI can augment legal research, predict the verdict, and make constitutional knowledge available to all doorsteps, issues like algorithmic bias, ethics, and the requirement of human judgment in complicated cases persist. The article ends with a foray into the future of AI and constitutional law and how it shall shape the Indian judiciary. All the information made available to the entire humanity, problems like bias in algorithms, ethical concerns, and the appeal for human wisdom in hard cases persist.

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INTRODUCTION

The Indian Constitution, which was adopted in 1950, is the foundation of India's democracy that enshrines justice, equality, liberty, and fraternity. It is the highest law in the country and stipulates the basic principles that govern the country's governance. Constitutional interpretation in India has historically remained the domain of the judiciary, and more so the Supreme Court, which acts as the bastion of interpreting the Constitution keeping in view developing social, political, and economic conditions. The dynamic nature of social problems and the changing face of the legal environment necessitate those constitutional provisions be interpreted from time to time in a changing manner to accommodate new challenges. The Indian Constitution, as the supreme law of the land, requires constant interpretation by the judiciary, especially the Supreme Court, to cope with changing social needs and challenges. The classical approaches to constitutional interpretation are governed by rules like textualism, originalism, and purposivism. Though these approaches have been working for the judicial system for so

long, new technology, and especially AI, raises a question mark on constitutional interpretation in the future. Artificial intelligence methods can search judicial documents, case law, and precedents on an unprecedented level with the possible prospects of even more data-centered interpretation methods. Over the last few years, the development of Artificial Intelligence (AI) has started transforming numerous industries, including the legal one. AI technologies, especially Natural Language Processing (NLP) and machine learning (ML), have been highly promising in automating legal research and analysis to improve efficiency and accuracy. These innovations hold an interesting potential for AI to facilitate constitutional interpretation by running through enormous amounts of legal writings, judicial decisions, and precedents at an unprecedented velocity and scope. Constitutional interpretation in India has traditionally been based on human wisdom, especially judges interpreting the words of the Constitution keeping in mind the needs of the modern society. The judiciary has a crucial role to play in making the Constitution relevant and responsive to the needs of the

people. Key decisions on basic rights, state authority, and the federal system have defined India's democracy. But there is a developing appreciation that the legal process is becoming more sophisticated, demanding improved analysis and decision-making tools. Textualism: Using the Constitution by interpreting the literal meaning of words. Originalism: Emphasis on the original intent of the framers of the Constitution. Purposivism: Emphasis on the purpose behind the constitutional provisions. Dynamic Interpretation: Recognition of the fact that the Constitution must be interpreted in a flexible manner to solve contemporary problems. All these traditional methods, though effective, suffer from the drawback of limited capacity to deal with huge volumes of legal information, novel issues, and intricate cases. By means of this research, we strive to examine the opportunities and shortcomings of AI implementation in constitutional interpretation, and such critical questions are using data analysis for judicial judgment, algorithmic bias, and how technology integrates with human reasoning. Lastly, the paper wishes to set out an erudite perception of how AI might benefit Indian constitutional law in the years to come by suggesting that if humaneness and technology might be convinced to collaborate to maximize their collective potential with an appropriate blending of the two, maybe a fairer and streamlined judiciary could result.

While AI constitutional interpretation in India can be a potential development, there are negative points too, primarily concerning bias, ethics, and upholding human judgment. The final decision on interpreting the Constitution must always be with human judges, who can offer perspective, empathy, and social values while making the ruling. AI will largely help judicial research, case-solving, and access to justice. As there are increasing breakthroughs in AI, its use under Indian constitutional law will be regulated by ethical, legal, and philosophical ideas to harmonize justice and innovation. Fundamental rights, such as the right to equality, freedom of speech, and the right to privacy, are at the heart of constitutional construction in India. AI systems can assist in understanding the nuances of these rights, especially when applied in contemporary contexts such as online privacy or governance of social media.

Artificial intelligence can help identify patterns within judicial reasoning toward fundamental rights, perhaps giving insights into how the rights would evolve in response to technological advancements or societal changes. However, the application of such rights would still be human-centric, considering societal and cultural values. AI machines can assist in preparing constitutional bills or amendments considering likely effects of intended reforms. Artificial intelligence mimics outcomes according to existing principles of law and predicts unintended outcomes, offering a more sophisticated technique of altering constitutional law. Legal professionals and politicians can utilize artificial intelligence to reshape and prepare amendments to the Constitution more responsive to contemporary society with fewer opportunities for conflicts at law. This can lead to more reflective and evidence-based constitutional reforms. This paper analyses the scope and limitation of applying AI to interpret the Indian Constitution in the light of the country's socio-political background, constitutional jurisprudence, and dynamic environment in the context of the digital age. This paper tries to discuss the potential of AI for constitutional interpretation in the future of India. Whereas traditional methods of legal analysis and

human judgment have been the cornerstone in Indian constitutional law development, AI may prove to be a useful tool to improve the process of interpretation. However, the application of AI also raises very serious questions about its boundaries, upholding human values, as well as the potential ethical impact.

LITERATURE REVIEW

The intersection of constitutional law and artificial intelligence (AI) is a fascinating area of study, especially when India is faced with the challenge of legal interpretation, administration of justice, and technological advancement. Constitutional interpretation has so far been the sole domain of human judges based on legal precedents, legislative intent, and social values. But with the advent of AI, the question is: can AI be used to interpret the Indian Constitution, and if yes, how will this influence the future of legal decision-making? The possible contribution of AI to constitutional interpretation has been investigated in many different worldwide settings. Susskind's book in "Tomorrow's Lawyers" highlights the rising use of AI to undertake tasks long done by legal experts, while AI's application is, nonetheless, viewed as complementary to human intuition (Susskind, 2019)¹. In constitutional interpretation, AI has been suggested to be used to help parse massive numbers of judicial decisions and legal documents to make more rapid identification of precedents, patterns, and interpretations that can be used to guide future decisions. Some authors propose that AI can make courts more efficient by helping judges filter out applicable legal precedents (Bryson, 2018)².

The Indian Constitution is one of the longest and most detailed constitutions globally with a balancing ratio of legal tenets, social justice needs, and an enunciation of individual rights. Whether AI can contribute to the interpretation of such a complex document has been debated among scholars. Kharbanda (2020)³ considers the viability of AI for Indian constitutional interpretation and reflects upon the ways that instruments of AI could be utilized to facilitate research and analyse constitutional patterns of jurisprudence. Yet Kharbanda admonishes that because AI cannot capture the general socio-political environment under which the Constitution functions, it restricts AI's usefulness towards making determinative interpretative decisions. In India, the Constitution itself has been the focus of vibrant interpretations, especially in landmark cases like *Kesavananda Bharati v. State of Kerala* (1973)⁴ and *Maneka Gandhi v. Union of India* (1978)⁵, where the Supreme Court extended the meaning of fundamental rights. These two cases indicate the flexible nature of the Constitution, which may be averse to being interpreted in mechanistic or algorithmic terms that are presented by AI. Human judges' ability to consider broader social values and needs today is one that AI is struggling to mimic. AI application in Indian court hearings has also been more experiment-oriented so far, with pilot projects such as AI-based legal research software already in place. The

¹Susskind, R. (2019). *Future of the Professions: How Technology Will Transform the Work of Human Experts*. Oxford University Press.

² Bryson, J. (2018). *The Impact of AI on Legal Systems and Judicial Decisions*. Oxford University Press.

³Kharbanda, V. (2020). AI and Legal Interpretation in India: Opportunities and Challenges. *Indian Journal of Law & Technology*, 4(1), 75-90.

⁴Kesavananda Bharati v. State of Kerala AIR 1973 SC 1461.

⁵ Maneka Gandhi v. Union of India, AIR 1978 SC 597.

"eCourts" AI system is planned to deal with cases and minimize judicial delays by automating the calendar and document management (Rathi, 2020)⁶. However, for interpreting the constitution, AI is faced with critical challenges. One of these problems is the "doctrinal complexity" of constitutional interpretation, which tests judges to balance textual meaning and shifting contexts of society (Desai & Kedia, 2021)⁷. Even the potential value of AI to legal prediction has been questioned, as in programs that forecast case verdicts from past data. This idea, sometimes called "predictive justice," is more about making predictions of probable outcomes to inform judicial rulings than interpreting the Constitution per se (Chander & Krishnan, 2019)⁸. In India, where the judiciary has been criticized for delays and backlog, AI-based tools may make the process more efficient but cannot substitute for the subtle insight needed in constitutional cases.

Application of AI in constitution interpretation is an ethical concern. Bias is one of these. Pre-existing biases contained in training data can be exacerbated and enhanced by AI machines, especially those applying machine learning strategies. When interpreting the constitution, this could lead to discriminatory or prejudiced conclusions, especially against marginalized groups for example, AI can consolidate gender or caste bias if poorly constructed and governed (Muehlberger, 2021)⁹. In addition, AI lacks the capacity to empathize, a crucial element of constitutional interpretation when the courts make judgments that impact fundamental rights. The Indian Constitution emphasizes strongly on social justice, and constitutional interpretation of provisions like Right to Equality or Right to Life cannot be undertaken in a scientific but not a human way, in terms of considering the underlying complex social and cultural dynamics involved. To consider in the future, there are two broad schools of thought regarding the place of AI in India's constitutional interpretation. According to one, AI can help the judges by providing them with data-driven inputs on legal precedents, trends, and popular opinion and thus enable them to make better decisions. The second is that constitutional interpretation requires human judgment of values, ethics, and the broader socio-political climate—areas in which AI cannot perform (Krishnan, 2020)¹⁰. Others agree that AI should be used in non-judicial work such as case categorization, collection of evidence, or legal research but reserve judgment when interpreting the Constitution for a human touch. A hybrid approach, where AI assists human judgment rather than replacing it, is widely seen as the most promising way forward. Whereas AI promises to redesign legal practice in India, particularly in the domain of legal research, case management, and predictive justice, its role in constitutional interpretation remains contentious. The living character of the Indian Constitution founded on evolving social, political, and economic realities necessitates a measure of interpretive flexibility and human sagacity that current AI technologies

cannot replicate. Thus, the future of constitutional interpretation in India can be in a harmonious coexistence between human judicial skills and the data-processing capabilities of AI, retaining both efficiency as well as an appreciative comprehension of the law.

Potential Benefits of AI in Constitutional Interpretation:

AI could offer several advantages in interpreting the Constitution of India, including Enhanced Efficiency, Consistency and Objectivity, Addressing Complex Legal Questions and Access to Justice. AI can significantly accelerate the process of translating legal documents. Instead of going through hundreds or thousands of cases manually, AI can quickly and accurately process this data, revealing insights that would have taken human analysts much longer to discover. AI can make more uniform legal interpretations possible by minimizing human prejudices. It will be capable of comparing cases, judicial minds, and precedents more impartially and thus minimize judicial discretion. Intractable legal issues, particularly those relating to emerging technologies, transnational trends, or socio-economic matters, may be helped by AI's capacity to sift through mountains of legal information and deliver meanings according to patterns which are perhaps not immediately obvious to human judges. AI technologies have the potential to democratize access to legal information. AI allows citizens, attorneys, and judges to better understand constitutional provisions and judicial precedents, and therefore, this would improve access to justice in as large and heterogeneous a nation as India.

Artificial Intelligence can transform the practice of law through work automation, improved data analysis, and decision-making. AI systems can be trained to read legal documents and judgments, identify patterns, and make suggestions regarding interpretation from vast datasets. The most important AI technologies used for constitutional interpretation are: NLP enables AI systems to read, process, and generate human language. In constitutional law, NLP may assist in: Analysing court opinions and judgments. Identifying fundamental legal principles from large quantities of legal literature. Comparing past and present interpretations of constitutional provisions. Machine learning algorithms can be used to: Make predictions based on past data and patterns in constitutional rulings. Assistance in identification of similar precedents from a vast repository of case law. Develop models that analyse how specific provisions of the Constitution are expected to evolve. AI analysis software can search through enormous repositories of judgments, law books, and precedents. This is likely to reduce the time and effort required in arriving at decisions significantly.

K.S. Puttaswamy v. Union of India (2017)¹¹, Right to Privacy Case: The privacy right was termed to be a fundamental right under Article 21 of the Indian Constitution. The case is applicable when discussing the role of AI, as privacy issues are at the centre of any discussion pertaining to AI, most notably in the fields of surveillance, data collection, and profiling. Application of AI in constitutional interpretation should consider privacy rights of individuals and how AI could affect such rights. Shreya Singhal v. Union of India (2015)¹², Section 66A of the IT Act: The Supreme Court struck down Section 66A of the Information Technology Act,

⁶Rathi, M. (2020). eCourts and AI in India's Judicial System. *Journal of Technology and Law*, 15(3), 75-92.

⁷Desai, M., & Kedia, R. (2021). Constitutional Interpretation and AI: Ethical Challenges. *Journal of Indian Constitutional Studies*, 10(2), 112-130.

⁸Chander, A., & Krishnan, A. (2019). Predictive Justice: The Role of AI in Legal Decision Making. *Stanford Law Review*, 21(3), 1557-1585.

⁹Muehlberger, R. (2021). AI Bias and the Indian Legal System: Challenges and Solutions. *Technology and Law*, 8(2), 200-220.

¹⁰Krishnan, S. (2020). Machine Learning and the Indian Judiciary: Can AI Replace Judges? *Journal of Indian Legal Innovation*, 13(1), 45-60.

¹¹K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

¹²Shreya Singhal v. Union of India (2015) 5 SCC 1.

which criminalized speech online that was "offensive" or "menacing." "This is an illustration of the application of the technology for speech policing. AI tools mandated to police behaviour or speech on the internet can cross paths with constitutional rights such as freedom of speech (Article 19), and issues of overbroad censorship and checks and balances to avoid empowering abuses have been raised.

Prakash Singh v. Union of India (2006)¹³, Police Reforms: The Court gave directions towards the reorganization of the Indian police system in terms of responsibility, professionalism, and autonomy. While AI will be applied to surveillance, police work, and criminal justice practices, it has the potential to contribute to the reforms in the police, but the directions from the Court include accountability and independence concerns that will have to be addressed in the applications of AI in constitutional adjudication. Indian Young Lawyers Association v. The State of Kerala (2018)¹⁴, Sabarimala Case, The Supreme Court gave the right to all women to enter the Sabarimala temple, challenging exclusion based on gender based on religious practice. The case is representative of the battle between human rights and traditional practices. AI can be utilized in understanding changing social values and interpreting rights in the constitution but would have to weigh maintaining cultural and religious traditions against enforcing rights such as gender equality (Article 14, 15, and 21).

Navtej Singh Johar v. Union of India (2018)¹⁵, Section 377 Case, the ruling of the Supreme Court also de-criminalized gay relationships by interpreting Section 377 of the Indian Penal Code, noting sexual orientation is liable to constitutional protections of liberty and equality. Artificial intelligence can be used to gain insights on patterns in legal handling of LGBTQ+ rights along with other issues of discrimination and consequently contribute to shaping liberal visions of understanding the Constitution. Yet, there would be issues with ensuring AI does not overlook respecting the construction of human rights norms in conjunction with principles of the constitution.

Challenges and Concerns with AI in Constitutional Interpretation: Despite its promise, applying AI to constitutional interpretation carries with it various challenges Lack of Human Judgment, Risk of Algorithmic Bias, Accountability and Transparency and Ethical Concerns. Constitutional interpretation tends to entail subjective reasoning and ethical considerations that are possibly difficult for AI to address properly. For instance, understanding social values, balancing negative interests, or handling intricate ethical dilemmas may be beyond data-driven analysis. AI systems are only as good as the data they have been trained on. If training data for AI models are incomplete or biased, it can result in flawed interpretations. It is particularly hard to do this in a plural culture such as exists in India, where religion, gender, and caste could potentially influence the meaning of the Constitution. AI systems are opaque and complex, and therefore it can be difficult to understand how any interpretation or suggestion is generated. In constitutions, where there are high stakes and long-term consequences of decisions, the process of interpretation needs to be maintained

transparent and accountable. AI use in constitutional interpretation is a serious ethical issue. Should be made the decisions over essential rights, freedom, and government powers? How is the contribution of human values and principles reflected in interpreting law where the matter relates to AI?. AI systems are only as good as the data used to train them. If biased data (e.g., racial, gender, or socio-economic biases) is used, AI tools may mirror or even amplify inequalities, resulting in unjustified constitutional interpretations. Constitutional interpretation will necessarily depend on subtle reasoning, which is informed by human experience, societal morals, and changing norms. Reliance on AI to implement constitutional principles can demote the human element that secures justice and fairness. Applying AI devices for assistance in constitutional provision interpretation risks undermining judicial autonomy because AI verdicts can be considered algorithmic outcomes instead of human decisions born out of sagacity and careful consideration. AI-based systems within the legal field would need to be tightly controlled to ensure they are being used ethically, responsibly, and in a way that respects constitutional principles.

Future Directions and Legal Reforms: The future of AI in constitutional interpretation in India is promising as well as challenging. As AI technologies keep evolving, they can potentially make legal decision-making more efficient and fairer, but their use must be regulated with caution to protect constitutional rights, assign responsibility to someone, and preserve the rich, human-cantered character of constitutional interpretation. The Indian judiciary may have to develop a framework to integrate AI tools and safeguard the rights and liberties of individuals as enshrined in the Constitution. To harness the complete potential of AI in the interpretation of the constitution, there will be a need for law reforms and technology innovations. Some likely steps would include Creating AI Training Frameworks, developing sets of legal documents, judgments, and reasoning on which the AI algorithms are trained. Legal Training for AI Training attorneys on AI, specifically how to deploy it to review legal cases employing AI in business law practice. Having robustly grounded ethical principles and policy to govern efficacious deployment of AI within the law.

CONCLUSION

The future of constitutional interpretation in India will largely be determined through the integration of Artificial Intelligence (AI) within the legal realm. AI may potentially redefine how constitutional principles are interpreted, enforced, and cultivated within the country. However, the use of AI in the interpretation of the law is far from challenge and problem-free. AI must never replace the richness of human discretion in interpreting the constitution. Principles of democracy, human rights, and social justice are inherent in the Indian constitutional framework and must be dealt with extreme seriousness by human judges. Additionally, as more AI systems find their way into the legal system, it will be important that these technologies be utilized ethically, openly, and in consonance with the fundamental principles of the Indian Constitution. AI has the potential to serve as a good aid to judicial thought and comprehension of precedents and legal principles. AI can sort through millions of case records, identify patterns, and apply data-driven observations in trying to make predictions, and this potentially can be employed as a

¹³Prakash Singh v. Union of India, (2006) 8 SCC 1.

¹⁴Indian Young Lawyers Association v. The State of Kerala, (2018) 10 SCC 625.

¹⁵Navtej Singh Johar v. Union of India (2018) 10 SCC 1.

tool of judicial facilitation. The courts must balance between emerging technologies and faithfulness to protecting individual liberty, common good, and the dynamism of ever-changing constitutional interpretation. Overall, AI as an approach in the reading of the Constitution in India can be an effective tool of judicial efficiency and predictability but must be practiced with caution, responsibility, and respect for the original principles of the Constitution. Overall, AI can be a useful assistant in making the judiciary more efficient and even-handed but must be used prudently, responsibly, and in accordance with respect for the fundamental concepts in the Constitution. AI promises a promising future for Indian constitutional interpretation. There are apparent benefits of efficiency, consistency, and ability to handle complex legal matters, but human judgment, algorithmic prejudice, and moral considerations must be addressed. Indian constitutional interpretation in the future could be a synergistic blend of AI-produced input and human intelligence to render the Constitution a dynamic and responsive instrument for the evolving needs of the country.

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