

## ARTIFICIAL INTELLIGENCE AND DIGITAL EVIDENCE IN CRIMINAL PROCEEDINGS: A COMPARATIVE STUDY OF LEGAL FRAMEWORKS IN INDIA AND THE UK

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### ABSTRACT

The criminal justice system globally is adopting predictive, AI-driven governance. This paper compares the legal and constitutional frameworks for AI and digital evidence in India and the UK, assessing how each country balances technological effectiveness with human rights protection the UK through systematic integration and India via selective adoption. Using a doctrinal approach, the study compares India's Bharatiya Sakshya Adhiniyam, 2023 and the UK's PACE 1984 for digital evidence admission. It highlights AI tools like India's CMAPS and the UK's HART. A central concern is the "Black Box" problem of algorithmic opacity, which endangers the "Right to a Fair Trial" and the Right to an Explanation. The research finds a divergence: the UK has a stable framework (GDPR, Data Protection Act 2018), while India is in a state of flux with technology outpacing legal safeguards. Algorithmic bias is a key finding, with scrutiny for racial bias in the UK (HART) and caste/socio economic biases in India. The paper concludes by recommending independent oversight and a human-in-the-loop mechanism to ensure AI's evolution upholds constitutional morality and individual liberty.

**Key Words:** Artificial Intelligence (AI), Digital Evidence, Predictive Policing, Comparative Jurisprudence (India & UK), Algorithmic Bias

### 1. Introduction

Artificial Intelligence has fundamentally reshaped the global criminal justice landscape by revolutionizing everything from proactive crime prevention to the complexities of courtroom trials. Over the last decade, nations like India and the United Kingdom have actively integrated AI to streamline operations—India through a "selective adoption" model focused on judicial backlogs, and the UK via "systematic integration" within a mature data protection framework. While these systems identify criminal patterns and predict threats with unprecedented speed, their deployment

introduces critical ethical and legal challenges, most notably the "Black Box" problem of algorithmic opacity. Because these automated decisions directly impact fundamental liberties, both jurisdictions must navigate the tension between technological efficiency and the preservation of human rights, necessitating robust regulatory oversight to prevent the reinforcement of historical social prejudices.<sup>1212</sup>

This research aims to determine the legal and constitutional impact of integrating AI into the judicial systems of India and the UK. It will

<sup>1212</sup> Kaveri Sharma and Inderpreet Kaur Saggi, "Artificial Intelligence, Robotics and Law,"<sup>132</sup> (Central Law Publication, Allahabad, 1st edn., 2024).

explore the opportunities and risks inherent in each system, along with the protective measures adopted to balance technological progress with justice. The study is primarily comparative, seeking to establish the relative benefits and drawbacks of AI applications and to offer recommendations on how each jurisdiction's approach might inform others. The research methodology involves examining case law, legislation, and legal commentary to assess AI's success in upholding justice while mitigating the inherent biases of automated processes. Ultimately, this approach will illuminate the legal frameworks governing AI and its implementation in both countries, thereby contributing to a broader comprehension of AI's importance in maintaining a just global society.

The application of artificial intelligence (AI) to the field of criminal justice stems from its ability to alleviate organizational issues and assist in the resolution of crimes. For the purposes of crime prediction, risk assessment, and sentencing, AI technology has been utilized in a variety of criminal justice settings over time. In India, the application of tools such as predictive policing models is meant to properly marshal police resources, but that involves direct threats to privacy without significant regulation. Predictive analytics have been used in policing in the United Kingdom, for example, through tools like the Harm Assessment Risk Tool (HART). This raises questions about how algorithmic decision-making works. AI is already in use in the United States police services, with some applications such as COMPAS (Correctional Offender Management Profiling for Alternative Sanctions) used to profile offenders' likelihood of recidivism. While it may be useful to pedants like myself, the case is not, and never will be, properly titled *Loomis v. Wisconsin*<sup>1213</sup>. The case of the *State v. Loomis*<sup>1214</sup>, brought important questions to the fairness and reliability of algorithms in activities involving judiciary, especially in the use of artificial intelligence.

These examples show that each jurisdiction's evolution toward an optimal use of AI as a tool to serve the goals of the criminal justice system followed clearly defined but rather intertwined paths.

an efficient use of AI as a tool to achieve goals related to criminal justice The main research question of this study is to examine and compare the current state of AI's implementation in the criminal justice systems of India and the United Kingdom by comparing policing, legal adjudication, and privacy concerns. In doing so, the study aims to evaluate how it enhances the effectiveness and reliability of criminal justice besides responding to its emerging ethical, social, and legal implications. Since AI is a decision-maker by design, the study will address how courts in those jurisdictions apply the admissibility and reliability of AI products, the measures to ensure non-biased results, and the legal regimes controlling AI across the respective areas. Doctrinal analysis is used to evaluate the effects of AI-driven systems in each of these jurisdictions, which are the subject of this study. In order to gain the most comprehensive perspective, the research also discusses international policies and AI in criminal justice recommendations. Thus, by comparing the adherence to constitutional rights as experienced in India and the UK, this work aims to provide advice for future policies on the proper manner and pace of an AI implementation so that essential rights are preserved while trust in justice is maintained.<sup>1215</sup>

The empirical research employs the doctrinal method of analysis, which systematically analyzes primary and secondary sources to provide a balanced perspective on the impact of AI on the Indian and British criminal justice systems. Statutes, AI-related cases in any legal jurisdiction, and regulations are all sources. Predictive policing is examined in Section 354D of the India Penal Code (*Bharatiya Nyaya*

<sup>1213</sup> 881 N.W.2d 749 (Wis. 2016).

<sup>1214</sup> *ibid*

<sup>1215</sup> Kevin D. Ashley, "Artificial Intelligence and Legal Analytics: New Tools for Law Practice in the Digital Age 123" (Cambridge University Press, Cambridge, 1st edn., 2018).

Sanhita), and the same analysis of US and UK statutes reveals how these nations address AI data protection issues. In the context of this study, secondary data sources include academic articles, government reports, and other international sources. The EU's GDPR is also included. By inferring from these materials, the research builds up a legal paradigm that helps in measuring how AI supports the three selected countries' CJ systems' efficiency alongside the dangers that it poses for the subject's human rights.

## 2. Definition and Concept of Artificial Intelligence (AI)

In the context of the criminal justice system, artificial intelligence includes a number of computational methods designed to imitate human intelligence processes when solving a particular problem or carrying out a particular activity. Algorithms used in AI work with large amounts of data, analyze it, and draw conclusions based on learned patterns or preprogrammed rules. AI used in criminal justice includes machine learning, which, as its name suggests, lets the system develop as it is exposed to new data in areas such as predictive policing and risk assessment. These systems are characterized by the capacity to analyze large volumes of data in ways that are faster and at scales that cannot be easily emulated by human beings. In this regard, AI is a potent tool for increasing the number of criminals, estimating risks, and assisting with decisions like sentencing. However, knowing the limits of this concept and how it is introduced to AI, it is crucial to use this technology in criminal justice, taking into account certain rights of individuals, such as liberty and privacy.

## 3. Definition and Concept of Digital Evidence

The evidence is generally termed as proof of records or any relevant information. The explanation to Section 79A of the Information Technology (Amendment) Act (2008) defined the electronic evidence, as any information with values that is stored or transmitted electronically, and it includes evidence such as

computer data, digital audio, digital video, cell phones and digital fax machines.<sup>1216</sup>

The United Kingdom approaches digital evidence primarily through the **Police and Criminal Evidence Act (PACE) 1984**. While PACE was drafted before the digital age, it has been adapted through amendments and judicial practice to encompass modern data. Section 20 specifically extends police powers of seizure to "computerised information," ensuring that digital data is treated with the same investigative weight as physical property.<sup>1217</sup>

## 4. AI Based Digital Evidence and Criminal Proceedings

AI implementations across the criminal justice system are versatile and rich with the potential to create breakthroughs but with legal and ethical concerns. One of the most common areas of application regards predictive policing, in which AI tools and approaches use computing analytics to determine the likelihood time, and place of crime and access law enforcement resource allocation. One such practice that has been adopted in several cities in the United States is the "PredPol" model, in which the link to the crime hotspot is made by analysing geo-referenced data. Predictive policing tools in India are still relatively nascent, but concepts such as crime mapping, analytics, and predictive systems (CMAPS) are being built to allow preventive measures. However, predictive policing has continued to face criticism on grounds that it creates biases in data inputs; this is seen in "State v. Loomis"<sup>1218</sup>, the court raised concerns regarding the bias of COMPAS, a risk assessment tool applied to sentencing. In this context, we have to be careful not to use AI-driven tools that are tuned in ways that will repeat or reinforce discrimination towards some groups.

There are many areas of using AI, but some of the most crucial ones are surveillance and

<sup>1216</sup> [https://blog.ipleaders.in/all-about-digital-evidence/#What\\_is\\_digital\\_evidence](https://blog.ipleaders.in/all-about-digital-evidence/#What_is_digital_evidence)

<sup>1217</sup> Police and Criminal Evidence Act 1984, c. 60, § 20 (UK).

<sup>1218</sup> 881 N.W.2d 749 (Wis. 2016).

facial recognition, for instance, as well as image analysis. AI facial recognition enables rapid detection of people from surveillance pictures and systems, which is very useful during investigations. For example, the South Wales Police in the UK have incorporated the use of FRT to identify people in crowds during events, but the issue of privacy and racism has been an issue. The UK's "GDPR" requires compliance with data protection standards for AI systems while placing the value of privacy rights above police work. On the other hand, in India, where there are no equivalent data protection laws to the GDPR since the passing of the latter in 2018, AI functionality for surveillance purposes raises concerns about the freedom of an individual as the state gears up to enhance its capacity for surveillance. This decision of the Supreme Court of India is in the case of Justice K. S. Puttaswamy v. Union of India<sup>1219</sup> has stridently recognized the right to privacy as fundamental, and this, in the face of AI-driven surveillance, calls for more comprehensive regulations.

Another area that owes much to AI in criminal justice is data analysis; this is especially helpful in the evaluation of evidence and investigation. AI computers are often capable of sorting large volumes of databases and identifying patterns and information that can be used for criminal profiling, associating criminals with crime scenes, and identifying complicated webs. Such capability enables the law enforcement agencies to do data-intensive investigations such as cybercrime and financial fraud in a more precise style. SI. ID According to agencies in the United States, AI is used to monitor social media accounts for criminal activities, rightfully posing questions regarding the limitation of surveillance. At the same time, the Indian police used data analysis in cybercrime detection, but there are issues of tight regulation and legal control.<sup>1220</sup>

## 5. Role of AI in Criminal Proceedings

### 5.1. India

In India, AI is being adopted in criminal justice on a selective adoption model after observing its effectiveness on policing and surveillance while aiming at creating for improving policing and efficiency and practices of the police force. AI is also advancing in its applicability in law enforcement, more so in predictive policing as well as in real-time surveillance. Programs like CMAPS allow police agencies to use the crime data obtained to estimate areas where crime is most likely to occur in the future. Likewise, facial recognition systems are used for security and monitoring, even though their key objective in most cities is to aid in the detection of criminals. Within the judiciary, AI-based solutions are highlighted to help manage the flow of cases and documents in the courts and lessen backlog. Although these applications are present, they are not yet mature, with large-scale employment mostly precluded by infrastructural and regulatory considerations. As India has shifted its attention towards police reforms and their respective development, AI offers great potential for police agencies to revolutionize the traditional policing model, keeping in mind it still exists in a more or less regulated developmental stage.<sup>1221</sup>

AI has been predominantly applied to surveillance and policing and in the context of judicial proceedings in India. Security using surveillance has been applied in various areas of use and occasions; this includes facial recognition that enables the authorities to monitor and track subjects relying on real-time data. The use of AI control systems is mainstream in policing India, as observed by the Integrated Criminal Justice System that supports data sharing amongst police departments. In judicial processes, it is used to provide support to the judges in their research to search for the existing case laws and precedents to improve the existing judicial

<sup>1219</sup> (2017) 10 SCC 1.

<sup>1220</sup> Alisha, "Use of Artificial Intelligence in Criminal Justice System," 104 (Blue Rose Publishers, New Delhi, 1st edn., 2021).

<sup>1221</sup> "The Role of Artificial Intelligence in Criminal Justice - Reality and Perspective", 10 Law and World 80-87 (2024).

speed. Moreover, police usage of AI is slowly emerging as Indian policing adopts predictive policing to direct resources better. However, a significant problem persists in most countries as there is no standardized policy regarding the use of AI in criminal justice; in such cases, the range and coherence of application are constrained, and a strong set of rules and principles of ethical conduct should be established to govern the use of AI in criminal justice.<sup>1222</sup>

## 5.2. United Kingdom

The use of integrated AI in the United Kingdom has been approached systematically and linearly, and most importantly, there have been observed dataset-specific guidelines, ethical issues, and transparency. AI is essential in UK policing and security through issues of prediction, policing through technology, digital justice, and policing by automating data analytics. UK governments have maintained their strong stance on data protection through the GDPR and the Data Protection Act 2018, meaning that AI applications must respect privacy and act ethically. Therefore, the use of artificial intelligence in criminal justice, especially in areas that involve predictive analysis as well as surveillance, is checked from this perspective, and transparency measures are carried out frequently. Compared with other leading jurisdictions, the UK has a relatively well-developed legal framework for AI in criminal justice, but the presented legal rules and recent challenges demonstrate that it has not solved all the problems confronting it, including the prejudiced racial distribution of AI datasets and accounting for AI's decision-making.<sup>1223</sup>

In the United Kingdom, the application of AI has been observed mostly in areas such as predictive policing, digital courts, and data analysis. Harm Assessment Risk Tool (HART), a

type of predictive policing, is a system that considers prior criminal-related cases and looks for persons likely to engage in criminal activity or become victims. It is widely used in many organizations but has often been criticized for issues to do with bias and lack of transparency. UK courts also adopt AI technology since working in parallel with digital courts; digital courts apply automated systems for case management. Integrated artificial intelligence-based data analysis in policing facilitates crime fighting as the system deals with the dilemma of large data and offers insights for efficient crime-solving techniques. However, integration has come with ethical and legal concerns despite enhancing operations, mainly focusing on decision-making by the algorithms and, possibly, inputs from bias withstands.

The GDPR and the Data Protection Act 2018 are an enablement of the UK's laws that relate to the use of artificial intelligence in criminal justice. These regulations require compliance with conditions on data protection and openness so that these artificially intelligent systems used in law enforcement do not violate citizens' rights. In addition, the Information Commissioner's Office (ICO) regulates AI, especially in cases that involve a decision that affects the future of an individual. However, these are still challenges; it is, for instance, still a problem to address bias in the algorithms used in predictive policing, let alone demanding that there be accountability when a decision based on AI is wrong. Social concerns, for example, racism and fairness, are now and again expected to come up, as was the case with the scrutiny of the operation of the HART system. Therefore, although the UK has gone through the process of setting up legal regulation of AI in criminal justice activity, more efforts are needed to eliminate possible risks for AI and ensure that the use of AI in criminal justice will be as ethical as possible.

The United States has been in the leadership position in incorporating AI in crime fighting by incorporating advanced risk assessment

<sup>1222</sup> Dennis J. Baker & Paul H. Robinson, "Artificial Intelligence and the Law: Cybercrime and Criminal Liability" 150 (Routledge, London, 1st edn., 2020).

<sup>1223</sup> Purvi Pokhariyal, Amit K. Kashyap, and Arun B. Prasad, "Artificial Intelligence: Law and Policy Implications", 74 (Eastern Book Company, Lucknow, 1st edn., 2020, reprint 2024).

algorithms, surveillance systems, and predictive policing. AI in the criminal justice system of the USA is equally widely spread; several states have algorithm-based risk assessment tools, including COMPAS. These are usually applied at the sentencing stage to inform the discretion in the estimation of the likelihood of recidivism. However, with the use of AI applications, a lot of legal and ethical issues have arisen, especially on issues relating to racist or unfair bias in aspects such as sentencing and risk assessments. Case laws like *State v. Loomis*<sup>1224</sup>, which also show that the judiciary has been worried about the opaqueness of using AI in the decision-making process. Despite a lack of federal regulation of AI usage in criminal justice in the United States, the policies and judicial decisions demonstrate that it is high time to develop effective and fair regulation of AI to prevent biases and provide accountability.<sup>1225</sup>

## 6. Comparative Analysis of Legal Frameworks Relating to AI and Digital Evidence in India and UK

The integration of Artificial Intelligence into the machinery of justice represents a pivotal shift for both India and the United Kingdom. While both nations are driven by the goal of modernizing law enforcement and clearing judicial backlogs, they are moving at different speeds and under different philosophical banners. India is currently in a phase of "**Selective Adoption**," focused on scaling up infrastructure, while the UK has moved into a "**Systematic Integration**" phase governed by mature data protection principles.

### 6.1 Policing and Surveillance: Efficiency vs. Ethics

In both jurisdictions, the first point of contact for AI is the police force. India's approach is primarily utilitarian. Through programs like **CMAPS** (Crime Mapping, Analytics and Predictive System), Indian law enforcement is

attempting to transition from reactive to proactive policing by estimating "hotspots" based on historical data.<sup>1226</sup> This is a crucial evolution for a country where the police-to-population ratio is significantly strained. However, this deployment often occurs in a legal gray area, raising significant privacy concerns under **Article 21** of the Constitution, as there is currently no specific statute governing the limits of predictive policing.<sup>1227</sup>

The UK, by contrast, operates under a more transparent investigative framework. Tools like the **Harm Assessment Risk Tool (HART)** are used to forecast recidivism, but they are subject to rigorous public and judicial scrutiny.<sup>1228</sup> Unlike the relatively unregulated surveillance in India, UK policing is governed by the **Data Protection Act 2018**, which mandates that any AI-driven interference with privacy must be "necessary and proportionate."<sup>1229</sup> While the UK is technologically more advanced, it faces similar societal backlash regarding racial bias in its datasets—a problem India also shares, though India's biases are often more closely tied to caste and socioeconomic status rather than race alone.

### 6.2 Adjudication and the "Black Box" Problem

In the courtroom, AI is being used to fight the common enemy of both nations: judicial delay. In India, the focus is almost entirely on "assistive" AI. Tools like **SUPACE** (Supreme Court Portal for Assistance in Court Efficiency) are designed to help judges sift through millions of pages of precedents to find relevant case law.<sup>1230</sup> The Indian judiciary has been careful to maintain a "Human-in-the-Loop" model, ensuring that AI does not cross the line from assisting a judge to actually *becoming* the judge.

The UK's "Digital Courts" are arguably more automated. The UK has successfully integrated

<sup>1224</sup> 881 N.W.2d 749 (Wis. 2016).

<sup>1225</sup> Hifajatali Sayyed, "Artificial Intelligence and Criminal Liability in India: Exploring Legal Implications and Challenges", 10 Cogent Social Sciences23 (2024).

<sup>1226</sup> Information Technology Act, 2000, § 79A (India).

<sup>1227</sup> INDIA CONST. art. 21.

<sup>1228</sup> *State v. Loomis*, 881 N.W.2d 749 (Wis. 2016) (Cited in UK and Commonwealth discussions regarding the validity of risk assessment tools like HART).

<sup>1229</sup> Data Protection Act 2018, c. 12, § 35 (UK).

<sup>1230</sup> SUPACE, *Supreme Court of India Portal for Assistance in Court Efficiency*, (last visited Jan. 19, 2026).

AI into document review and case management systems, such as **Luminance**, which speeds up the discovery process in complex criminal trials.<sup>1231</sup> However, the UK faces the "Black Box" problem more acutely because its algorithms are often more complex. To counter this, the UK relies on the **GDPR's "Right to an Explanation,"** which allows defendants to challenge a decision if the logic behind the algorithm is opaque.<sup>1232</sup> India is yet to codify such a right, leaving a potential gap in the "Right to a Fair Trial" as AI becomes more influential in Indian sentencing and bail considerations.

### 6.3 Regulatory Maturity and Future Outlook

The most striking difference lies in the legislative foundation. The UK has a robust, decentralized regulatory environment where the **Information Commissioner's Office (ICO)** and the **Forensic Science Regulator** provide clear "rules of the road" for digital evidence and AI forensics.<sup>1233</sup> This provides a sense of legal certainty that India is still striving to achieve.

India is currently in a state of flux. The transition to the **Bharatiya Sakshya Adhiniyam, 2023 (BSA)** represents a major step forward by according primary status to digital records, but it lacks specific chapters on AI accountability.<sup>1234</sup> While the UK has a "top-down" approach with established data laws, India's approach is "bottom-up," where the technology is being deployed first, and the regulations—like the **Digital Personal Data Protection Act**—are slowly catching up.<sup>1235</sup> For India to achieve the systematic success of the UK, it must move beyond selective adoption and establish an independent regulatory body to oversee algorithmic fairness.

## 7. Challenges and Legal Issues

The Indian experience of the use of AI in criminal justice encounters several problems, the most important of which are connected with privacy violations, the lack of regulatory legislation, and the risks of algorithmic bias. Without adequate data protection legislation, this issue nudges important questions of privacy whenever AI is used for surveillance and predictive policing. As for the Supreme Court of India, it declared privacy as a fundamental right in "Justice K.S. Puttaswamy v. Union of India"<sup>11</sup> on the use of AI in law enforcement, which amounted to privacy infringement because of the present lack of a comprehensive legal framework formulated in the UK as has been done in the EU through the GDPR. Also, the use of AI in the predictive policing system tends to develop a bias against particular groups within society. They may continue discriminations that are contrary to the Indian Constitution and other esteemed basic tenets. In other words, regulating AI currently used and possibly in the future in criminal justice remains a challenge for India while trying to pull through measures for the proper regulation of such use without violating the rights of the people and endorsing existing social prejudices.

## 8. Way Forward

As our dive into the legal landscapes of India and the UK shows, the integration of Artificial Intelligence into our criminal justice systems is a tightrope walk. We've seen the incredible potential for efficiency and modernization, but we've also spotted the deep cracks of algorithmic bias, opacity, and the threat to fundamental rights like the Right to a Fair Trial. Moving forward, the goal isn't to hit the brakes on AI—it's to lay down a solid, ethical road map so that justice, not just speed, is served.

For India, the immediate priority is to close the legal gap. The new Bharatiya Sakshya Adhiniyam is a fantastic start by recognizing digital evidence, but we need to move past "selective adoption" and legislate specific AI Accountability Frameworks. This means

<sup>1231</sup> Police and Criminal Evidence Act 1984, c. 60, § 20 (UK).

<sup>1232</sup> Regulation 2016/679, General Data Protection Regulation, art. 22, 2016 O.J. (L 119) (EU) (Retained in UK law as UK GDPR).

<sup>1233</sup> *Bridges v. South Wales Police* [2020] EWCA (Civ) 1058 (UK).

<sup>1234</sup> Bharatiya Sakshya Adhiniyam, 2023, §§ 2(1)(e), 63 (India).

<sup>1235</sup> Digital Personal Data Protection Act, 2023, No. 22, Acts of Parliament, 2023 (India).

establishing an independent, national-level regulatory body—akin to the UK's ICO—to audit algorithms like CMAPS for caste and socioeconomic biases before they're deployed. Crucially, we must enshrine a Right to an Explanation for any decision that affects a person's liberty, moving beyond the current focus on "assistive" AI and preparing for its inevitable expansion.

The UK, with its more mature regulatory environment, needs to focus on making its existing transparency mechanisms truly effective. The "Black Box" problem, even with the GDPR's Right to an Explanation, still requires deeper solutions. This means forcing greater adversarial access to the logic of systems like HART during trials and investing in public-facing AI literacy. While the UK's "Systematic Integration" is commendable, continuous, independent auditing is essential to prevent racial biases from becoming baked into the very foundation of predictive policing.

Ultimately, both jurisdictions should prioritize a Human-in-the-Loop model as a non-negotiable constitutional safeguard. AI should remain a powerful, intelligent assistant—a tool for discovery and analysis—never the final arbiter of a person's fate. By prioritizing ethical oversight, legal clarity, and the protection of constitutional morality over technological convenience, both India and the UK can ensure that the AI revolution strengthens, rather than erodes, the bedrock of a fair and just society. The future of justice depends on it.

## 9. Conclusion

The integration of Artificial Intelligence into the criminal justice systems of India and the United Kingdom reveals two distinct yet interconnected approaches to modernization. The UK, with its robust existing legal infrastructure, is proceeding with a "Systematic Integration," using established frameworks like the GDPR and the Data Protection Act 2018 to govern AI tools such as HART, focusing on transparency and accountability, particularly concerning racial bias. India, conversely, is in a

phase of "Selective Adoption," using systems like CMAPS primarily for efficiency and addressing severe judicial backlogs. However, this progress is occurring in a state of regulatory flux, with the new Bharatiya Sakshya Adhiniyam, 2023, acknowledging digital evidence but lacking specific provisions on AI accountability, thus leaving a crucial gap regarding algorithmic bias (caste/socioeconomic) and the "Right to an Explanation."

The central challenge in both jurisdictions is the "Black Box" problem, which directly threatens the constitutional "Right to a Fair Trial." While the UK has the GDPR's "Right to an Explanation," its effectiveness against complex algorithms remains to be fully tested. India has yet to legally enshrine such a right, making its citizens more vulnerable as AI's influence expands from assistive roles (like SUPACE) to potentially impactful decisions in bail and sentencing.

To safeguard constitutional morality and individual liberty, this comparative study strongly recommends:

- **Independent Oversight:** India must urgently establish a national, independent regulatory body, similar to the UK's ICO, to audit algorithms for fairness and bias before deployment.
- **Legal Enshrinement of Rights:** Both nations, particularly India, must codify a clear "Right to an Explanation" for any AI-driven decision affecting a person's liberty.
- **Human-in-the-Loop:** A non-negotiable constitutional safeguard must be enforced, ensuring that AI remains a powerful, assistive tool for judges and police, and never the final arbiter of a legal decision.

Ultimately, the future of justice in the digital age hinges on the deliberate prioritization of ethical oversight and legal clarity over technological convenience. By learning from each other's trajectories India adopting the UK's regulatory maturity, and the UK maintaining continuous scrutiny against biases both nations can ensure



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that the AI revolution strengthens the bedrock of  
a fair and just society.

