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WHEN THE MACHINE SAYS NO: HUMAN OVERSIGHT, NATURAL JUSTICE AND AUTOMATED GOVERNMENT DECISIONS IN INDIA

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ABSTRACT

The expansion of digital government has changed the relationship between citizens and public authorities. Automated systems can now assist with application processing, verification, risk identification, classification and other administrative functions. Such systems can improve speed and consistency, but their use also raises a fundamental administrative-law question: what happens when an automated system produces an adverse governmental decision and the citizen cannot understand or effectively challenge the result?

This article examines automated government decision-making through the principles of natural justice, constitutional equality, procedural fairness and judicial review in India. It argues that technology cannot become a substitute for constitutional accountability. Where automation materially contributes to a significant adverse decision, the affected person should have access to understandable reasons, a practical opportunity to correct relevant factual errors, and meaningful review by an authorised human decision-maker. The article develops a proportionate model in which the intensity of safeguards increases with the seriousness of the decision's impact.

The article does not argue against automation. Instead, it proposes accountable automation: a system in which technology assists public administration while legal authority, fairness and responsibility remain traceable to the State. Such an approach can preserve the efficiency of digital governance without allowing the complexity of algorithms to weaken the rule of law.

KEYWORDS: Automated decision-making; Administrative Law; Natural Justice; Article 14; Article 21; Human Oversight; Explainability; Algorithmic Accountability; Judicial Review.

1. INTRODUCTION

Public administration has always changed with technology. From paper registers to computerised databases and online portals, each technological development has altered how government exercises administrative power. The present transformation is more consequential because digital systems can increasingly perform functions that previously required direct human assessment.

An automated system may compare information, detect inconsistencies, classify applications, calculate eligibility or produce recommendations. In some contexts, an officer may simply accept the system's output. In others, the output may effectively determine the result. The legal significance of automation therefore depends not merely on the existence of software but on the role that software plays in the exercise of public power.

Administrative law is concerned with legality, fairness, reasonableness and accountability. These values remain relevant irrespective of whether the final outcome is produced by a civil servant, a computerised rule or an artificial-intelligence-assisted system. The use of technology cannot create a zone of administration outside constitutional review.

The issue is particularly important where a decision affects a person's access to a public benefit, licence, registration, service or other significant legal interest. If the person receives only a message stating that the application has failed, without knowing the relevant basis or having an effective route of review, procedural fairness may become illusory.

The Supreme Court's development of natural justice and non-arbitrariness provides a strong foundation for addressing this problem. The challenge is to apply those principles to an environment in which the decision-making chain may include databases, algorithms, software vendors and public officials.

This article proceeds on the central proposition that the State may automate administrative processes, but it cannot automate away constitutional responsibility.

2. DIGITAL ADMINISTRATION AND THE RISE OF AUTOMATED ADMINISTRATION

Digital administration generally refers to the use of electronic technologies to deliver or manage government functions. Automated administration is a more specific development in which software performs a meaningful part of the process leading to an administrative outcome.

The distinction between assistance and decision-making is legally important. A system that merely stores an application does not exercise administrative discretion. A system that

identifies a person as ineligible, assigns a risk category or recommends rejection is much closer to the substantive decision.

Automation can offer legitimate public benefits. It can reduce repetitive work, assist officials with large volumes of applications and promote consistency. It may also reduce delays caused by manual processing. These advantages are particularly valuable in public systems where administrative capacity is limited.

However, efficiency is not the only value protected by administrative law. An automated system can produce an error at scale, and a seemingly neutral system can reproduce errors contained in its source data. If there is no meaningful review mechanism, the error may become difficult for an individual citizen to correct.

IndiaAI's Responsible AI materials emphasise transparency, explainability and accountability and discuss human supervisory control for significant AI decisions. They also recognise the relevance of explainability where AI is used in State administrative decision-making. These principles provide a useful policy foundation for adapting established administrative-law safeguards to automated systems.

3. WHY AUTOMATED GOVERNMENT DECISIONS REQUIRE LEGAL SCRUTINY

The exercise of public power is different from an ordinary private transaction. Government decisions can affect rights, entitlements, livelihood, licences and access to public services. Consequently, the State must be able to demonstrate lawful authority and fair procedure.

Automation introduces at least five legal concerns. First, data may be inaccurate or incomplete. Secondly, the criteria used by a system may contain assumptions that are difficult to detect. Thirdly, historical data can reproduce patterns of unequal treatment. Fourthly, complex systems may make it difficult to identify why a particular outcome was produced. Fifthly, officials may rely on automated outputs without exercising independent judgment.

These concerns should not lead to the conclusion that every automated system is unlawful. The appropriate legal response is proportionate oversight. The safeguards required for a routine, low-impact calculation need not be identical to those required for a decision that substantially affects a person's legal or economic interests.

A risk-based approach also reflects the existing flexibility of natural justice. Administrative law does not demand one identical procedure in every circumstance. Instead, fairness is assessed in relation to the nature of the power exercised and the consequences for the affected person.

4. NATURAL JUSTICE IN THE AGE OF MACHINES

Natural justice is one of the central ideas of administrative law. Its best-known procedural component is *audi alteram partem*—the opportunity to be heard before an adverse decision is taken where such an opportunity is required by law and fairness. The requirement of an unbiased decision-maker is another fundamental aspect.

Indian constitutional jurisprudence has strengthened the importance of procedural fairness. In *Maneka Gandhi v Union of India*, the Supreme Court rejected a narrow understanding of procedure and emphasised fairness in State action affecting protected interests. The development of natural justice thereafter became closely connected with Articles 14 and 21.

Automated decision-making presents a basic institutional problem. A software system can calculate or classify, but it does not bear legal responsibility in the constitutional sense. It cannot independently assess a citizen's explanation as a public authority exercising statutory power. A human review process is therefore important where the consequences of automation are substantial.

This does not mean that every computer-generated result requires a personal hearing. Such a rule would be unrealistic. Instead, the stronger proposition is that a citizen should have a meaningful avenue of review when an automated outcome materially affects an important legal interest.

Meaningful review requires more than a human name on a screen. The reviewer should have authority to depart from the automated result, access to the relevant information and sufficient understanding of the system's limitations.

5. ARTICLE 14 AND ALGORITHMIC ARBITRARINESS

Article 14 guarantees equality before the law and equal protection of the laws. Indian administrative law has developed the principle that State action must not be arbitrary. This principle is especially relevant to automated systems because computerised outputs can appear objective even when their underlying assumptions are not.

An algorithm can be mathematically consistent and still produce an unreasonable result. For example, a system may reject an application because two records do not match, even though the mismatch is caused by an innocent data-entry error. If the system treats the output as conclusive, a minor factual problem can become a serious administrative consequence.

Article 14 therefore requires attention to the quality of the decision-making process rather than the identity of the decision-maker. The fact that a computer produced an outcome cannot by itself establish that the outcome is reasonable.

Algorithmic bias presents another Article 14 concern. Bias can enter through training data, selection of variables, historical administrative practices or system design. A neutral-looking criterion can sometimes produce unequal effects. Public authorities should therefore assess automated systems for material errors and unjustified disparities, particularly when the system is used for significant decisions.

The constitutional objective is not mathematical perfection. It is to ensure that technological administration does not make arbitrary State action harder to detect or challenge.

6. ARTICLE 21 AND PROCEDURAL FAIRNESS

Article 21 provides that no person shall be deprived of life or personal liberty except according to procedure established by law. Constitutional interpretation has required such procedure to satisfy standards of fairness, reasonableness and justice.

Automated administration can have consequences extending beyond a simple digital transaction. A decision may affect access to a public service, a benefit, a licence or another important interest. Where the impact is serious, the procedural safeguards should correspondingly become stronger.

The relationship between Article 21 and automated decision-making should therefore be understood through proportionality. A low-impact administrative calculation may require only basic notice and correction facilities. A high-impact adverse determination may require a detailed explanation, access to review and an opportunity for a responsible officer to reconsider the matter.

The important principle is that procedural fairness should not disappear merely because a technological system is involved. If the State's action has serious consequences, the constitutional commitment to fair procedure remains relevant.

7. THE IMPORTANCE OF REASONS

Reasons are an important part of accountable administration because they connect the outcome to the legal and factual basis on which it rests. They assist the affected person, the reviewing authority and the courts in understanding the decision.

Indian law does not require an identical statement of reasons for every administrative action. The requirement depends upon the statutory context and circumstances. Nevertheless, where an automated system contributes materially to a significant adverse decision, a meaningful explanation becomes especially valuable.

A generic message such as “application rejected” may not allow the citizen to identify an error. An effective explanation should ordinarily communicate the significant factors that led to the result, the information relied upon and the available method of correction or review, subject to legitimate privacy, security and confidentiality limitations.

The aim is not to require disclosure of every line of source code. Legal accountability does not necessarily require technical transparency of that kind. What matters is understandable decision transparency: the citizen should be able to know enough about the relevant basis of the outcome to challenge a factual mistake or legal problem.

This approach is consistent with the IndiaAI emphasis on explainability for significant AI decisions and human-understandable explanations.

8. ALGORITHMIC BIAS, DATA QUALITY AND EQUALITY

Data quality is a basic component of administrative fairness. If the input is wrong, a technically accurate system can still produce a wrong result. Automated systems can also magnify errors because the same rule may be applied across thousands of cases.

Public authorities should therefore distinguish between system reliability and decision correctness. A model may perform well statistically while still producing an incorrect result in an individual case. Administrative law is concerned with the legality and fairness of the individual governmental action as well as overall system performance.

Where citizens can correct inaccurate information, the risk of unfair outcomes is reduced. A correction mechanism should be accessible, understandable and capable of reaching the actual record used in the decision.

Bias should also be monitored. Historical administrative records may reflect previous patterns of exclusion or unequal treatment. If those records influence a model, the resulting system may carry the past into future decisions.

The appropriate response is regular testing, documentation and review. Where a high-impact system produces unusual or unequal outcomes, public authorities should investigate rather than assume that the computer's output is inherently neutral.

9. HUMAN OVERSIGHT: MORE THAN A FORMALITY

Human oversight is often presented as a simple solution, but its effectiveness depends on how it is designed. Merely requiring an officer to approve a computer-generated recommendation may not provide genuine protection if the officer has no realistic ability to question the system.

Meaningful human oversight should contain at least four elements. First, the reviewer must have authority to disagree with the automated output. Secondly, the reviewer must have access to the relevant facts and system-generated information. Thirdly, the reviewer must understand the system's purpose and limitations. Fourthly, the reviewer should be able to record why the final decision was accepted, modified or rejected where appropriate.

This model preserves the distinction between assistance and responsibility. The machine may assist the officer, but the exercise of public power remains attributable to the competent authority.

The IndiaAI Responsible AI framework's emphasis on accountability and human supervisory control supports this institutional approach. The underlying idea is compatible with administrative law: someone within the public authority must remain responsible for the lawful exercise of power.

10. THE BLACK-BOX PROBLEM

A black-box system is one whose internal reasoning may be difficult for users or even administrators to understand. The problem is especially serious when an opaque system affects a person's legal interests.

Complete technical transparency is not always possible or desirable. Systems may involve proprietary technology, security-sensitive information or complex statistical methods. Yet the inability to explain every technical detail should not become an excuse for refusing to explain the administrative decision.

A practical solution is layered explanation. The government can provide the citizen with the legally relevant reasons and significant factors while retaining sensitive technical information where lawful. Public authorities, auditors and courts can receive deeper technical documentation when necessary for review.

The State should also maintain an administrative record. That record can include the version of the system used, relevant inputs, the rule or criteria applied, the automated output and any subsequent human review. Such records help preserve judicial review and institutional accountability.

11. RULE OF LAW AND DELEGATED POWER

The rule of law requires that public power be exercised according to legal authority. An algorithm does not possess an independent source of governmental power. Its use must

remain connected to the statute, rules or lawful delegation governing the administrative function.

This principle is particularly important where government purchases technology from private vendors. A contractual arrangement cannot expand the government's legal powers. A software configuration should not silently create eligibility criteria or restrictions that the competent authority has no legal basis to impose.

Procurement should therefore include legal and governance requirements from the beginning. Departments should know what the system does, what information it uses, what limitations exist and how records can be obtained for review.

The same reasoning applies when a system is updated. A material change that affects the way citizens are classified may require evaluation of whether the existing legal and administrative framework remains adequate. Technology should remain subordinate to law, not the other way around.

12. JUDICIAL REVIEW OF AUTOMATED ADMINISTRATION

Judicial review remains available when administrative action is technology-assisted. Courts need not become software engineers in order to examine legality. The traditional questions remain relevant: Was the authority legally empowered? Was the correct procedure followed? Were relevant considerations taken into account? Was the decision arbitrary, irrational or disproportionate where that standard applies? Was natural justice observed where required?

At the same time, automated decisions may require a broader administrative record. Where the outcome depends materially on a computerised system, relevant review material may include system documentation, decision criteria, input data, audit records and the human-review record.

Courts should respect legitimate administrative expertise, but technical complexity cannot create immunity from judicial scrutiny. If a public authority cannot explain the basis of a significant decision or identify who was responsible for it, that failure may itself raise questions about procedural fairness and accountability.

The proper approach is therefore technology-neutral but technology-aware judicial review. The legal standards remain familiar, while the evidence required to apply those standards may include technological information.

13. INDIA'S EMERGING RESPONSIBLE-AI APPROACH

India's policy discussions on responsible AI increasingly emphasise transparency, explainability, fairness and accountability. These principles are particularly relevant to public administration because government has a special duty to ensure that technological efficiency does not undermine citizen rights.

The IndiaAI responsible-AI materials provide a useful policy direction by emphasising understandable explanations for significant AI decisions, accountability structures and human supervisory control. Such principles can operate alongside constitutional administrative-law doctrines rather than replacing them.

A future government-wide framework could translate these principles into operational rules for procurement, deployment, monitoring and review. This would help departments adopt consistent safeguards rather than leaving each administrative authority to develop its own approach.

The goal should be to build responsible technology into the administrative process from the beginning. Legal review after a citizen has already suffered an unexplained adverse decision is less effective than designing the system to preserve fairness from the outset.

14. PROPOSED HUMAN-OVERSIGHT AND ALGORITHMIC FAIRNESS FRAMEWORK

This article proposes a proportionate five-part framework for significant automated government decisions.

First, LEGAL AUTHORISATION. The statutory or regulatory basis for the administrative function should be identifiable. The purpose and limits of automation should be documented.

Second, NOTICE AND EXPLANATION. Where an automated system materially contributes to a significant adverse outcome, the affected person should ordinarily be told enough to understand the relevant basis of the decision and the route for review.

Third, MEANINGFUL HUMAN REVIEW. A person should have access to an authorised reviewer who has genuine power to reconsider the result. Review should not be limited to confirming the machine's recommendation.

Fourth, DATA CORRECTION. Citizens should have a practical mechanism to challenge inaccurate information materially relied upon by the system. Corrected information should be capable of reaching the relevant administrative record.

Fifth, ACCOUNTABILITY AND AUDIT. Authorities should maintain appropriate records concerning system versions, material changes, significant inputs, outputs and human review.

High-impact systems should be subject to stronger monitoring and, where appropriate, independent auditing.

The framework is intentionally risk-based. The greater the consequence for the individual, the stronger the procedural protection should be.

15. SHOULD EVERY AUTOMATED DECISION REQUIRE A HUMAN?

A universal requirement that a human personally review every automated administrative action would be impractical. It could also reduce the efficiency benefits that make digital administration valuable.

The better approach is to classify decisions according to impact. Low-impact routine tasks may be automated with basic monitoring. Medium-impact processes may require clear correction mechanisms and supervisory review. High-impact decisions should ordinarily receive meaningful human review before or promptly after an adverse outcome, depending on the legal context.

This approach recognises that not every administrative error has the same consequence. It also reflects the flexibility of natural justice. The legal system can preserve fairness without requiring an identical procedure for every technological transaction.

The key is that automation must remain proportionate to the power being exercised. A computer should not become the final and unquestionable authority merely because the government has chosen to automate a process.

16. PRACTICAL AND LEGAL CHALLENGES

Implementation will present difficulties. Government departments may lack technical expertise, complex systems may be expensive to audit, and detailed explanations may sometimes conflict with privacy or security requirements. Human review can also increase administrative workload.

These difficulties are real but manageable. Standardised risk classifications can identify which systems need stronger safeguards. Procurement rules can require vendors to provide documentation and support lawful auditing. Officials can receive basic training about system limitations. Citizen-facing correction procedures can be integrated into existing appeal structures.

Privacy must also be respected. Explainability does not mean unrestricted disclosure of personal data or confidential information. The appropriate objective is sufficient information for meaningful challenge while protecting legitimate confidentiality interests.

The most important safeguard is institutional responsibility. A department should never be able to say that it has no responsibility because a private vendor supplied the technology. Public power remains public power even when technology is outsourced.

17. RECOMMENDATIONS

India should consider developing a common administrative standard for automated decision-making by public authorities. Such a standard could include:

1. Risk-based classification of automated government systems.
2. Identification of the statutory or regulatory authority for each significant use.
3. Documentation of decision criteria and system limitations.
4. Meaningful human review for high-impact adverse decisions.
5. Accessible explanations of significant automated outcomes.
6. A practical mechanism for correcting inaccurate data.
7. Audit trails and records of material system changes.
8. Periodic testing for accuracy and unjustified discriminatory effects.
9. Procurement clauses protecting government access to information necessary for review.
10. Training for officials responsible for supervising automated systems.
11. Clear departmental appeal mechanisms.
12. Preservation of access to judicial review.

These measures would not prevent innovation. They would establish predictable legal conditions under which technology can improve public administration while remaining accountable to constitutional standards.

18. CONCLUSION

The question is not whether government should use technology. Digital tools can improve administration, reduce delay and help public authorities manage large volumes of information. The constitutional question is what happens when technology materially contributes to an adverse governmental decision.

Indian administrative law already contains the essential principles needed to answer that question. Natural justice protects procedural fairness where required. Article 14 restrains arbitrary State action. Article 21 reinforces fair procedure in appropriate contexts. Judicial review ensures that public power remains within legal limits.

These principles should be applied to automated administration without assuming that a machine is either inherently neutral or inherently unlawful. The proper approach is one of accountable automation. Routine and low-impact processes can be automated with proportionate safeguards, while significant decisions require stronger explanation, correction and human review.

The central principle can therefore be stated simply: the State may use a machine to assist in making a decision, but it cannot use the machine to escape responsibility for that decision.

When the machine says “no,” a constitutional democracy should still allow the citizen to ask: Why? What information was used? Can the mistake be corrected? Who is responsible? And can a competent human authority reconsider the outcome?

Those questions are not obstacles to digital government. They are conditions of lawful digital government.

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