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The Constitutional Duty to Explain Automated Decisions: Towards a Right to Reasons in India's Emerging Algorithmic State

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The increasing use of artificial intelligence and algorithmic systems in public administration has transformed the manner in which governmental decisions are made. While these technologies promise efficiency, consistency, and improved service delivery, they also generate concerns regarding opacity, accountability, and procedural fairness. Decisions concerning welfare benefits, public recruitment, taxation, policing, and other core governmental functions are increasingly influenced by algorithmic processes whose underlying logic may remain inaccessible to affected individuals. This article examines whether Indian constitutional law can respond to this challenge through the recognition of a constitutional right to explanation. Drawing upon constitutional jurisprudence, administrative law principles, comparative regulatory frameworks, and contemporary scholarship on algorithmic governance, the article argues that explainability is not a novel entitlement but a natural extension of existing constitutional guarantees.

The paper proceeds in five parts. The first conceptualises algorithmic governance and examines the explainability problem, demonstrating how opacity in automated decision-making can undermine transparency, accountability, and contestability. The second analyses the constitutional foundations of a right to explanation through Article 14, Article 21, and the principles of natural justice, showing that Indian constitutional law already contains the normative basis for explainability. The third explores comparative approaches, including international AI governance frameworks, highlighting the growing recognition of explainability as a safeguard against unaccountable automation.

The fourth part forms the doctrinal core of the article, arguing that existing constitutional principles are sufficient to support a right to explanation without requiring either a constitutional amendment or AI-specific legislation. The final part addresses key objections relating to trade secrets, technical complexity, administrative burden, and national security, arguing that none are sufficient to displace the constitutional commitment to fairness and accountability. The article concludes that a constitutional right to explanation is necessary to ensure that the exercise of public power remains intelligible, reviewable, and consistent with the rule of law in India's emerging algorithmic state.

Keywords: *algorithmic governance, explainability, artificial intelligence, procedural fairness.*

INTRODUCTION

"The giving of reasons is one of the fundamentals of good administration."¹

In the era of artificial intelligence, every aspect around us has its incorporation. The ease it offers made it rather necessary for even governments to adopt it. Early data suggests that government adoption of AI is most prominent in areas such as public services, civic participation, and justice, specifically areas with high transaction volumes and direct citizen interaction.² The growing use of algorithmic systems in public administration marks a significant shift in the exercise of state power. Decisions affecting individual rights and interests are increasingly mediated by technologies whose reasoning processes may be opaque, difficult to scrutinise, and resistant to conventional forms of accountability. While these technologies promise speed and consistency, they also reshape the manner in which decisions affecting citizens' rights and interests are made, raising important legal and constitutional concerns. Many algorithmic systems operate as 'black boxes', where the reasoning behind a decision remains inaccessible or difficult to understand. This opacity may arise from technical complexity, proprietary protections, or institutional limitations. Consequently, individuals may be subjected to adverse decisions without knowing the basis on which they were reached, making it difficult to assess their accuracy, fairness, or legitimacy. When opaque algorithms substantially influence decisions, these safeguards become difficult to enforce, raising questions about the compatibility of algorithmic governance with constitutional guarantees of fairness and accountability. Existing

¹ *Alexander Machinery (Dudley) Ltd v Crabtree* [1974] ICR 120

² *Governing with Artificial Intelligence: The State of Play and Way Forward in Core Government Functions* (OECD Publishing, 2025)

scholarship on AI governance largely focuses on ethics, privacy, bias, and regulatory frameworks. Comparatively little attention has been paid to whether Indian constitutional and administrative law already contains the foundations of a right to explanation in cases involving automated state action. This article argues that the constitutional requirement of reasoned decision-making, derived from Articles 14 and 21 and reinforced through principles of natural justice, should extend to algorithmic and AI-assisted governmental decisions. It contends that Indian constitutional doctrine already provides the normative basis for recognising a limited right to explanation in cases involving automated state action.

UNDERSTANDING ALGORITHMIC GOVERNANCE AND THE EXPLAINABILITY PROBLEM

Algorithmic Governance: Algorithms form the foundation of contemporary AI systems. In their broadest sense, algorithms are ‘encoded procedures for solving a problem by transforming input data into a desired output.’³ Through the processing of large quantities of data, algorithms are capable of identifying patterns, generating predictions, and assisting in decision-making processes. The use of such systems in governance has given rise to algorithmic decision-making, which refers to the use of algorithmically generated knowledge systems to execute or inform decisions. Depending on the degree of automation involved, algorithmic decision-making may take different forms. In some instances, decisions are fully automated, where the system automatically produces an outcome without the need for human intervention beyond the input of relevant data. In other cases, AI systems merely provide recommendations or analytical assistance to a human decision-maker, who retains formal decision-making authority. Such systems are commonly described as AI-assisted or human-in-the-loop systems.

The distinction between fully automated and human-in-the-loop decision-making is significant. While the former allows algorithms to determine outcomes directly, the latter preserves a degree of human oversight by requiring a public official or a decision-maker to review and approve the recommendation generated by the system. Together, these technologies form the basis of what is commonly described as algorithmic governance,

³ Karen Yeung, ‘Algorithmic Regulation: A Critical Interrogation’ (2017) 12(4) Regulation & Governance <https://www.researchgate.net/publication/318820255_Algorithmic_regulation_A_critical_interrogation> accessed 02 June 2026

whereby computational systems increasingly influence or participate in decisions traditionally made by human administrators.

The growing adoption of algorithmic systems within public administration is driven by their perceived capacity to improve efficiency, augment human decision-making, and address complex governance challenges. According to NITI Aayog, AI enables machines to perform cognitive functions such as ‘thinking, perceiving, learning, problem solving and decision making’ and can ‘complement and supplement human intelligence’. Recognising the transformative potential of these technologies, India’s AI strategy envisages their use to promote social and inclusive growth while addressing challenges relating to access, affordability, and shortages of skilled expertise. Government agencies have already leveraged AI-powered innovations to improve service delivery and promote transparent governance, demonstrating the increasing role of algorithmic systems in public decision-making.⁴

Governmental Uses of AI: The application of algorithmic systems in governance is no longer a theoretical possibility but an established feature of contemporary public administration. Governments increasingly employ AI and data-driven systems in welfare eligibility assessments, social security administration, tax compliance and fraud detection, predictive policing, public recruitment processes, and immigration screening. In India, AI-powered innovations have already been deployed to improve service delivery, resource allocation, and governance outcomes across sectors such as healthcare, agriculture, and public administration. The growing integration of algorithmic tools into governmental functions demonstrates that decisions affecting individuals’ rights, benefits, and opportunities are increasingly influenced by computational systems, thereby necessitating greater attention to questions of accountability and oversight.

The ‘Black Box’ Problem: The increasing use of algorithmic systems in governance has given rise to concerns regarding opacity, often described as the ‘black box’ problem. Frank Pasquale characterises contemporary society as a ‘black box society’, highlighting the growing asymmetry between those who collect and process information and those who are subjected

⁴ RESPONSIBLE AI FOR ALL #AIFORALL (NITI Aayog, 2021)

to its consequences.⁵ The metaphor of the black box carries a dual meaning. On the one hand, it refers to recording devices that continuously monitor and collect information. On the other hand, it describes a system whose workings remain obscure: while its inputs and outputs may be observable, the process through which one is transformed into the other remains hidden. As algorithmic systems become increasingly embedded in public administration, this opacity raises serious concerns regarding transparency, accountability, and democratic oversight.

Scholars have identified several forms of opacity that contribute to the black box problem. First, algorithmic systems may be characterised by technical opacity, where the complexity of computational models makes it difficult, and in some cases impossible, even for their designers to fully explain how a particular output was generated.⁶ Even where source code is disclosed, the sheer complexity of machine-learning systems may render meaningful understanding unattainable. Secondly, proprietary opacity arises when private entities shield their algorithms from public scrutiny through claims of trade secrecy and intellectual property protection. As Pasquale observes, corporations frequently rely on legal and practical mechanisms to keep their decision-making processes hidden from external scrutiny, thereby preventing meaningful examination of how algorithmic outcomes are produced. Finally, institutional opacity occurs when public authorities depend upon externally developed systems whose methodologies and decision-making processes they are themselves unable to adequately explain or scrutinise. Consequently, governmental agencies may become reliant on technologies whose operation they do not fully understand.

The consequences of such opacity are significant. Increasingly, decisions affecting individuals are mediated through algorithmic systems operating behind a veil of secrecy. Pasquale notes that institutions routinely convert personal data into ‘scores, rankings, risk calculations, and watch lists with vitally important consequences, while the algorithms through which such determinations are made remain largely immune from scrutiny. As a result, individuals may be unable to ascertain what factors were considered, how those factors were weighted, or why a particular decision was reached. This absence of

⁵ Frank Pasquale, *THE BLACK BOX SOCIETY: The Secret Algorithms That Control Money and Information* (HUP 2015)

⁶ Jenna Burrell, ‘How the Machine ‘Thinks’: Understanding opacity in machine learning algorithms’ (2016) 3(1) *Big Data & Society* <<https://doi.org/10.1177/2053951715622512>> accessed 03 June 2026

intelligibility undermines transparency and accountability, while simultaneously impairing the ability of affected individuals to challenge adverse decisions. It is this concern that forms the foundation of contemporary demands for explainability in algorithmic governance.

Why Explainability Matters: The concerns generated by algorithmic opacity have prompted increasing demands for explainability in automated decision-making systems. Explainability refers to the ability of affected individuals to obtain meaningful information regarding how and why a particular decision was reached. While scholars continue to debate the precise scope of a legal right to explanation, there is broad agreement that explainability serves several important functions in democratic governance.⁷

First, explainability promotes transparency by enabling individuals to understand the basis of decisions that affect their rights and interests.⁸ Without some account of how a decision was reached, algorithmic systems remain inaccessible to those subject to them. Secondly, explainability enhances accountability by ensuring that public authorities can be questioned and required to justify the exercise of governmental power. Where decision-making processes remain opaque, meaningful oversight becomes difficult.

Thirdly, explainability supports contestability. Individuals can only challenge a decision if they possess sufficient information regarding the factors that contributed to it. The ability to seek review or correction of an adverse decision, therefore, depends at least in part upon understanding the reasoning that produced it. Finally, explainability contributes to the legitimacy of governmental action. Public power remains legitimate only when it can be subjected to scrutiny, review, and challenge through appropriate procedural mechanisms. These considerations assume particular importance in the context of algorithmic governance. If an individual is denied a welfare benefit, flagged as a security risk, or excluded from a public opportunity based on an algorithmic assessment, a fundamental question arises: how can that individual challenge a decision that they do not understand? It is this question that

⁷ Sandra Wachter et al., 'Why a Right to Explanation of Automated Decision-Making Does Not Exist in the General Data Protection Regulation' (2017) 7(2) International Data Privacy Law <<https://doi.org/10.1093/idpl/ix005>> accessed 03 June 2026

⁸ Lilian Edwards and Michael Veale, 'SLAVE TO THE ALGORITHM? WHY A RIGHT TO AN EXPLANATION IS PROBABLY NOT THE REMEDY YOU ARE LOOKING FOR' (2017) 16(1) Duke Law & Technology Review <<https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1315&context=dltr>> accessed 03 June 2026

places explainability at the centre of contemporary debates concerning constitutionalism, administrative fairness, and the exercise of public power.

CONSTITUTIONAL AND ADMINISTRATIVE FOUNDATIONS OF A RIGHT TO REASONS

The Evolution of Article 14: Article 14 was originally understood through the doctrine of reasonable classification. Under this approach, differential treatment was constitutionally permissible provided that it was founded upon an intelligible differentia and that the differentia bore a rational nexus to the object sought to be achieved.⁹ While this framework served as an important safeguard against discriminatory treatment, it primarily focused upon classification rather than the broader question of whether state action itself was fair, reasonable, or arbitrary.

A significant transformation occurred in *E.P. Royappa v State of Tamil Nadu*, where the Supreme Court rejected a narrow and formalistic conception of equality. Justice Bhagwati famously observed that ‘equality is antithetic to arbitrariness’ and that ‘equality and arbitrariness are sworn enemies’.¹⁰ The Court held that arbitrary state action is inherently unequal and therefore violative of Article 14. Equality was no longer confined to preventing unreasonable classifications; it became a constitutional guarantee against arbitrariness in the exercise of public power.

The anti-arbitrariness principle articulated in *Royappa* was subsequently reaffirmed and expanded in *Ajay Hasia v Khalid Mujib Sehravardi*. The Supreme Court held that Article 14 strikes at arbitrariness in state action and ensures fairness and equality of treatment.¹¹ Importantly, the Court clarified that the doctrine applies not only to legislative measures but also to executive and administrative actions. Arbitrariness thus emerged as an independent constitutional ground upon which state action could be invalidated. The modern position was reaffirmed in *Shayara Bano v Union of India*, where the Supreme Court recognised manifest arbitrariness as a distinct ground for striking down state action under Article 14.¹² The Court held that a measure may be manifestly arbitrary where it is capricious, irrational,

⁹ D D Basu, *Introduction to THE CONSTITUTION of INDIA* (26th edn, LexisNexis 2022); M P Jain, *INDIAN CONSTITUTIONAL LAW* (LexisNexis 2018)

¹⁰ *E P Royappa v State of Tamil Nadu & Anr* (1974) 4 SCC 3

¹¹ *Ajay Hasia Etc v Khalid Mujib Sehravardi & Ors Etc* (1981) 1 SCC 722

¹² *Shayara Bano v Union of India & Ors* (2017) 9 SCC 1

disproportionate, or lacks an adequate determining principle. The decision confirmed that the anti-arbitrariness doctrine remains a central feature of Indian equality jurisprudence and continues to operate as a substantive limitation upon public power.

The anti-arbitrariness doctrine carries important implications for algorithmic governance. Judicial review under Article 14 requires courts to determine whether a decision was guided by relevant considerations, whether it rested upon a rational basis, and whether it was free from arbitrariness. Such an inquiry necessarily presupposes the availability of reasons. Where an algorithmic system produces an outcome without providing any intelligible explanation, meaningful scrutiny for arbitrariness becomes significantly more difficult.¹³

The constitutional concern, therefore, extends beyond the correctness of any individual algorithmic outcome. An unexplained decision frustrates the very process of Article 14 review. If neither affected individuals nor reviewing courts can ascertain the factors that influenced a decision, the weight assigned to those factors, or the rationale underlying the outcome, meaningful scrutiny for arbitrariness becomes impossible. In this sense, opacity is not merely a technological problem; it is a constitutional problem. The absence of explanation undermines the ability of Article 14 to perform its anti-arbitrariness function and consequently threatens one of the central guarantees of the equality clause.

Article 21 and Procedural Fairness: The constitutional foundations of procedural fairness in India are rooted in the transformative interpretation of Article 21 adopted by the Supreme Court in *Maneka Gandhi v Union of India*. Rejecting a narrow reading of personal liberty, the Court held that any procedure depriving a person of life or personal liberty must be ‘right, just and fair’ and not ‘arbitrary, fanciful or oppressive’.¹⁴ The decision fundamentally altered Indian constitutional jurisprudence by establishing that procedural safeguards are an indispensable component of lawful state action. Procedure was no longer a matter of formal compliance; it became subject to substantive standards of fairness and reasonableness.

The principles articulated in *Maneka Gandhi* were further developed in *Mohinder Singh Gill v Chief Election Commissioner*, where the Supreme Court emphasised that fairness is an essential

¹³ *E P Royappa v State of Tamil Nadu & Anr* (1974) 4 SCC 3; *Ajay Hasia Etc v Khalid Mujib Sehravardi & Ors Etc* (1981) 1 SCC 722

¹⁴ *Maneka Gandhi v Union of India* (1978) 1 SCC 248

requirement of administrative decision-making.¹⁵ The Court recognised that the exercise of public power must conform to the principles of natural justice and procedural fairness. Individuals affected by state action must therefore be afforded a meaningful opportunity to be heard and to protect their interests before adverse consequences are imposed.

Meaningful participation, however, presupposes a sufficient understanding of the basis upon which a decision has been made. A person will often be unable to effectively challenge a decision, present relevant evidence, or exercise appellate remedies without knowing the considerations that influenced the outcome. Procedural rights derive their value not from their formal existence but from their practical accessibility. Where the reasoning underlying a decision remains inaccessible, the opportunity to be heard risks becoming largely illusory.

These concerns acquire particular significance in the context of algorithmic governance. If a welfare applicant is denied benefits, a citizen is flagged as a security risk, or an individual is excluded from a public opportunity based on an algorithmic assessment, procedural fairness requires more than the communication of the outcome alone. Affected persons must possess sufficient information to understand and meaningfully challenge the basis of the decision. Without such understanding, hearing rights become ineffective, appellate mechanisms lose practical value, and the constitutional guarantee of fair procedure is substantially compromised. In this sense, explainability is not merely a technological preference but a constitutional requirement that flows from Article 21's commitment to fairness, reasonableness, and meaningful participation in administrative decision-making.

Natural Justice and the Duty to Give Reasons: The requirement that public authorities provide reasons for their decisions is a well-established principle of Indian administrative law. Decisions accompanied by reasons are commonly described as 'speaking orders' because they disclose the basis upon which an authority has acted. The duty to provide reasons serves an important constitutional function by ensuring that public power is exercised transparently, rationally, and in accordance with law.¹⁶

The Supreme Court has repeatedly emphasised that reasoned decision-making constitutes an essential safeguard against arbitrariness. In *Siemens Engineering & Manufacturing Co. v*

¹⁵ *Mohinder Singh Gill & Anr v The Chief Election Commissioner, New Delhi & Ors* (1978) 1 SCC 405

¹⁶ H W R Wade and C F Forsyth, *ADMINISTRATIVE LAW* (8th edn, Oxford University Press 2000)

Union of India, the Court held that every quasi-judicial authority must record reasons in support of its conclusions.¹⁷ The Court observed that the requirement of reasoned decisions promotes fairness, excludes arbitrariness, and facilitates effective judicial review. The recording of reasons was therefore recognised not as a procedural formality but as an integral component of lawful decision-making.

The principle was further developed in *Union of India v Mohan Lal Capoor*, where the Supreme Court held that reasons are the links between the materials on which conclusions are based and the conclusions themselves.¹⁸ A decision unsupported by reasons obscures the basis of the exercise of power and frustrates meaningful review. The obligation to disclose reasons, therefore, serves to demonstrate that relevant considerations have been taken into account and that the decision has not been reached arbitrarily.

The most comprehensive articulation of this doctrine appears in *Kranti Associates Pvt Ltd v Masood Ahmed Khan*. Surveying both Indian and comparative jurisprudence, the Supreme Court held that the duty to provide reasons is an indispensable element of fairness, transparency, and accountability in public administration.¹⁹ The Court identified several justifications for reasoned decision-making, including the promotion of transparency, the facilitation of judicial review, the restraint of arbitrary power, and the enhancement of public confidence in administrative processes. Reasons, the Court observed, constitute the lifeblood of judicial and administrative decision-making.

The constitutional significance of these principles extends beyond conventional administrative decision-making. Indian courts already require human decision-makers to explain the basis of their conclusions. The challenge posed by algorithmic governance is therefore not whether explanations are necessary, but whether existing constitutional and administrative law requirements should extend to technologically mediated decisions. If a public authority cannot lawfully issue an unexplained administrative order, it is difficult to justify permitting adverse decisions to be produced through algorithmic systems whose reasoning remains inaccessible to affected individuals and reviewing courts. The values that underlie the duty to provide reasons, such as fairness, accountability, transparency, and

¹⁷ *Siemens Engineering & Manufacturing Co of India Ltd v Union of India & Anr* AIR 1976 SC 1785

¹⁸ *Union of India v Mohan Lal Capoor & Ors* (1973) 2 SCC 836

¹⁹ *M/S Kranti Associates (P) Ltd & Anr v Masood Ahmed Khan & Ors* (2010) 9 SCC 496

effective judicial review, apply with equal force where decisions are generated or substantially influenced by automated systems.²⁰

Viewed in this light, explainability does not represent a novel constitutional entitlement. Rather, it can be understood as a technological manifestation of an established legal principle: where public power affects rights, interests, or entitlements, those subject to its exercise are ordinarily entitled to understand the basis upon which it has been exercised. The constitutional problem posed by algorithmic governance is therefore not the absence of doctrine, but the need to adapt existing doctrines of reasoned decision-making to new forms of administrative power.

COMPARATIVE PERSPECTIVES ON EXPLAINABILITY

European Union Approach: The European Union has emerged as one of the leading jurisdictions seeking to regulate automated decision-making and algorithmic governance. The General Data Protection Regulation (GDPR) addresses concerns arising from automated decision-making through Article 22, which grants individuals the right not to be subject to decisions based solely on automated processing, including profiling, where such decisions produce legal effects or similarly significant consequences.²¹ The provision reflects a recognition that decisions generated through automated systems may pose distinctive risks to individual rights and interests.

The GDPR further incorporates transparency-related safeguards intended to provide individuals with information concerning automated processing. Recital 71 states that persons affected by automated decision-making should be provided with meaningful information about the logic involved, as well as the significance and envisaged consequences of such processing.²² These provisions have frequently been interpreted as reflecting a broader commitment to explainability and accountability in algorithmic decision-making.

The precise scope of these protections, however, remains contested. In particular, considerable debate surrounds whether the GDPR creates a legally enforceable ‘right to explanation’. Wachter, Mittelstadt, and Floridi argue that despite widespread assumptions

²⁰ *Siemens Engineering & Manufacturing Co of India Ltd v Union of India & Anr* (1976) 2 SCC 981

²¹ General Data Protection Regulation 2016, art 22

²² General Data Protection Regulation 2016, recital 71

to the contrary, the GDPR does not establish a general right requiring controllers to provide ex post explanations of individual automated decisions. Rather, the Regulation provides limited information rights and procedural safeguards that fall short of a comprehensive legal entitlement to explanation. The authors therefore caution against overstating the explanatory obligations imposed by European data protection law.

The European experience nevertheless remains instructive. Even within one of the most sophisticated regulatory frameworks governing automated decision-making, significant uncertainty persists regarding the nature and scope of explanatory obligations. The debate demonstrates that explainability is not merely a technical concern but a fundamental legal question concerning accountability, transparency, and the protection of individual rights. For India, the significance of this debate lies not in replicating the GDPR model, but in recognising that constitutional commitments to fairness and reasoned decision-making may provide an alternative foundation for addressing similar concerns arising from algorithmic governance.

AI Act and Emerging Regulatory Models: Recent regulatory developments further illustrate the growing importance of explainability in the governance of artificial intelligence systems. While different jurisdictions adopt varying approaches to AI regulation, a common theme emerging across contemporary frameworks is the recognition that automated decision-making requires mechanisms capable of promoting transparency, accountability, and human oversight.

The European Union AI Act adopts a risk-based regulatory model and imposes extensive obligations upon providers and deployers of high-risk AI systems. These include requirements relating to transparency, record-keeping, documentation, human oversight, and risk management.²³ The Act proceeds on the assumption that individuals affected by significant algorithmic decisions should not be subjected to entirely opaque systems and that meaningful human supervision remains necessary in contexts involving substantial impacts upon rights and interests.

Similar concerns are reflected in international soft-law instruments. The OECD Principles on Artificial Intelligence emphasise transparency, explainability, robustness, accountability, and

²³ Artificial Intelligence Act 2024, arts 13 and 14

human-centred values in the design and deployment of AI systems.²⁴ Likewise, UNESCO's Recommendation on the Ethics of Artificial Intelligence identifies transparency, traceability, responsibility, and human oversight as essential safeguards for trustworthy AI governance.²⁵ Although these instruments differ in legal status and regulatory technique, they collectively recognise the importance of ensuring that automated systems remain capable of scrutiny and oversight.

A notable feature of these emerging frameworks is that many do not create a comprehensive legal right to explanation. Nevertheless, they increasingly treat explainability as a practical safeguard necessary for accountability, effective oversight, and the protection of fundamental rights. The contemporary regulatory trend, therefore, suggests that the legitimacy of algorithmic decision-making depends not merely upon the accuracy of automated systems, but also upon the ability of affected individuals and public institutions to understand, scrutinise, and contest their operation. This development lends further support to the argument that explainability occupies an increasingly important place within modern systems of public governance.

TOWARDS A CONSTITUTIONAL RIGHT TO EXPLANATION IN INDIA

Why Existing Constitutional Principles Are Sufficient: The preceding discussion demonstrates that the normative foundations of explainability are already embedded within Indian constitutional law. Consequently, the challenge posed by algorithmic governance does not necessarily require the creation of a new constitutional right, nor does it depend upon the prior enactment of a comprehensive AI-specific legislative framework. Existing constitutional principles provide a substantial doctrinal basis for requiring explanations in cases where algorithmic systems influence or determine decisions affecting individual rights, interests, or entitlements.²⁶

Article 14 prohibits arbitrary state action and requires that public power be exercised based on rational and reviewable considerations.²⁷ Meaningful scrutiny for arbitrariness, however,

²⁴ Recommendation of the Council on Artificial Intelligence 2019, principle 1.3

²⁵ *Recommendation on the Ethics of Artificial Intelligence* (UNESCO, 2021)

²⁶ *E P Royappa v State of Tamil Nadu & Anr* (1974) 4 SCC 3; *Maneka Gandhi v Union of India* (1978) 1 SCC 248; *M/S Kranti Associates (P) Ltd & Anr v Masood Ahmed Khan & Ors* (2010) 9 SCC 496

²⁷ *E P Royappa v State of Tamil Nadu & Anr* (1974) 4 SCC 3; *Ajay Hasia Etc v Khalid Mujib Sehravardi & Ors Etc* (1981) 1 SCC 722

presupposes some degree of intelligibility regarding how a decision was reached. Where the basis of a decision remains inaccessible, courts may be unable to effectively assess whether relevant considerations were taken into account, whether impermissible factors influenced the outcome, or whether the decision bears a rational relationship to its stated objective. In this sense, explainability serves as a practical precondition for the effective operation of the anti-arbitrariness doctrine.

Article 21 reinforces this conclusion. Following *Maneka Gandhi*, constitutional validity depends not merely upon the existence of a procedure, but upon whether that procedure is fair, just, and reasonable.²⁸ Procedural fairness requires that affected individuals possess a meaningful opportunity to understand and challenge adverse decisions. Where algorithmic systems generate outcomes without providing sufficient information regarding the basis of those outcomes, hearing rights, review mechanisms, and procedural safeguards risk becoming ineffective in practice. Explainability, therefore, contributes directly to the constitutional requirement of fair procedure.

The same conclusion emerges from the principles of natural justice and reasoned decision-making. Indian administrative law has long required public authorities to provide reasons for decisions affecting rights and interests.²⁹ The duty to provide reasons promotes transparency, facilitates judicial review, restrains arbitrary exercises of power, and enables affected persons to understand the basis of adverse decisions. The constitutional significance of explainability, therefore, lies not in creating a novel obligation, but in extending established principles of reasoned decision-making to contexts in which decisions are generated or substantially influenced by algorithmic systems.

Accordingly, the constitutional question is not whether explanations should be required in algorithmic governance. Indian constitutional law already recognises the values that explanations serve. The more pressing question is whether existing guarantees of equality, procedural fairness, and reasoned decision-making should be interpreted to remain effective in the face of new forms of technologically mediated state action. Properly understood, a constitutional right to explanation would represent not the creation of a new constitutional

²⁸ *Maneka Gandhi v Union of India* (1978) 1 SCC 248

²⁹ *Siemens Engineering & Manufacturing Co of India Ltd v Union of India & Anr* (1976) 2 SCC 981; *Union of India v Mohan Lal Capoor & Ors* (1973) 2 SCC 836; *M/S Kranti Associates (P) Ltd & Anr v Masood Ahmed Khan & Ors* (2010) 9 SCC 496

doctrine, but the contemporary application of principles that are already deeply embedded within the constitutional order.

Proposed Four-Part Constitutional Framework: The preceding analysis suggests that Indian constitutional law already contains the normative foundations necessary to address the challenges posed by algorithmic governance. The remaining task is therefore to translate those principles into a workable framework capable of safeguarding fairness, accountability, and judicial review in the context of automated decision-making. This article proposes a four-part constitutional framework through which courts may evaluate the legality of algorithmically influenced governmental decisions.

The first requirement is a notice requirement. Individuals should be informed whenever a decision affecting their rights, interests, or entitlements has been generated or substantially influenced by an algorithmic system. Such notice should identify the involvement of artificial intelligence and disclose the degree of automation involved in the decision-making process. The purpose of this requirement is not merely informational. A person cannot meaningfully exercise procedural rights if they are unaware that an automated system participated in the decision. Notice, therefore, constitutes the foundation upon which all subsequent safeguards depend.

The second requirement is an explanation requirement. Public authorities should provide affected individuals with sufficient information to understand the basis of an adverse decision. This does not require disclosure of source code, proprietary algorithms, or technical details beyond the comprehension of ordinary citizens. Rather, the obligation should extend to explaining the factors considered, the rationale underlying the outcome, and the principal reasons that led to the decision. The objective is intelligibility rather than technical transparency. Constitutional explainability should focus upon enabling understanding and accountability, not compelling the disclosure of software architecture or trade secrets.

The third requirement is a human review requirement. Individuals affected by algorithmically influenced decisions should possess the ability to seek reconsideration by a human decision-maker. Automated systems may assist public administration, but they should not become the final and unquestionable arbiters of rights and entitlements. Human review serves as an important safeguard against error, bias, and unforeseen consequences by

ensuring that affected persons retain access to meaningful oversight and corrective mechanisms.

The fourth requirement is a judicial review requirement. Courts reviewing algorithmically influenced decisions should be empowered to assess whether adequate explanations have been provided, whether procedural fairness has been respected, and whether the decision satisfies constitutional standards of reasonableness and non-arbitrariness. The purpose of judicial review is not to evaluate the technical merits of particular algorithms but to ensure that constitutional guarantees remain effective notwithstanding changes in the methods through which governmental power is exercised.

Taken together, these requirements seek to preserve established constitutional values in the context of emerging technologies. They do not create an unrestricted right to access source code, nor do they prohibit the use of artificial intelligence in governance. Rather, they ensure that the adoption of algorithmic systems remains compatible with the constitutional commitments to fairness, accountability, transparency, and reasoned decision-making. Properly understood, a constitutional right to explanation should operate as a mechanism through which existing constitutional guarantees are adapted to new forms of administrative power.

Challenges and Counterarguments: A constitutional right to explanation is not without difficulty. Critics may argue that requiring explanations for algorithmically influenced decisions is impractical, burdensome, or incompatible with other legitimate public interests. While these concerns merit serious consideration, they do not undermine the broader constitutional case for explainability. Rather, they highlight the need for a carefully calibrated framework that balances transparency with competing institutional concerns.

The first objection concerns trade secrets and proprietary technology. Many algorithmic systems used by public authorities are developed by private vendors who claim intellectual property protection over their models, datasets, and software architecture. It may therefore be argued that requiring explanations would compel governments to disclose proprietary information and undermine incentives for innovation. This concern, however, rests upon a misunderstanding of what constitutional explainability requires. The proposed framework does not demand disclosure of source code, training data, or commercially sensitive technical

details. Instead, it requires the provision of meaningful reasons capable of explaining the basis of a decision to the affected individual. The constitutional interest lies in understanding why a decision was reached, not in obtaining unrestricted access to the underlying software.

A second objection concerns technical complexity. Modern machine-learning systems, particularly those employing deep neural networks, may operate in ways that are difficult even for their developers to fully interpret. Critics, therefore, contend that meaningful explanations are either impossible or likely to be misleading. Yet constitutional law has never required perfect explanations. Administrative authorities are routinely expected to provide intelligible reasons for decisions based upon complex factual, economic, or scientific assessments. The relevant question is not whether every computational process can be exhaustively reconstructed, but whether affected individuals can be provided with a sufficiently comprehensible account of the principal factors that influenced the outcome. Explainability should therefore be judged by the standard of practical intelligibility rather than technical completeness.

A third objection emphasises administrative burden. Governments increasingly rely upon automated systems precisely because they permit the rapid processing of large volumes of information. Requiring explanations, review procedures, and oversight mechanisms may increase costs and reduce administrative efficiency. However, constitutional governance has never treated efficiency as the sole measure of legitimacy. Fundamental procedural safeguards frequently impose institutional costs, yet such costs are accepted because they protect individuals against arbitrary exercises of power. As the Supreme Court recognised in *Maneka Gandhi v Union of India*, constitutional validity depends not merely upon administrative convenience but upon the preservation of fair, just, and reasonable procedures.³⁰ The possibility that fairness may require additional resources is therefore not a sufficient reason to dispense with constitutional safeguards.

A final objection arises in contexts involving national security, intelligence gathering, or other sensitive governmental functions. In such circumstances, complete disclosure of the basis of a decision may be impossible without compromising legitimate public interests. This concern cannot be dismissed. Certain exceptions to explainability requirements may be necessary

³⁰ *Maneka Gandhi v Union of India* (1978) 1 SCC 248

where disclosure would create a demonstrable risk to national security or other compelling state interests. Nevertheless, such exceptions should remain narrowly construed and subject to appropriate oversight. The existence of difficult cases does not justify abandoning explainability altogether. Rather, it reinforces the need for carefully designed procedures capable of reconciling transparency with legitimate claims of confidentiality.

Ultimately, the objections to explainability are not objections to constitutional accountability itself. They demonstrate that explainability, like many constitutional guarantees, must be implemented in a manner sensitive to competing interests and practical realities. None of these concerns, however, displace the fundamental principle that individuals affected by the exercise of public power are ordinarily entitled to understand the basis upon which decisions affecting their rights and interests have been made. The constitutional challenge of algorithmic governance is therefore not whether explainability should exist, but how it should be operationalised in a manner that preserves both effective administration and meaningful constitutional oversight. Properly understood, a constitutional right to explanation represents neither a demand for technological perfection nor an obstacle to innovation. It is instead a modest but necessary safeguard designed to ensure that constitutional values remain effective in an increasingly automated state.