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WHEN MACHINES INVENT AUTHORITY: A THEMATIC STUDY OF ARTIFICIAL INTELLIGENCE, LEGAL REASONING AND JUDICIAL INTEGRITY IN INDIA

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ABSTRACT

Generative Artificial Intelligence ("AI") has quickly made its way into India's legal ecosystem via large language models, automated legal research platforms, document-generation systems, and other LegalTech tools.[1] Although these technologies hold out the prospect of considerable efficiency gains, they also bring a distinctive epistemic danger: the creation of fictitious judicial authorities, invented quotations, misrepresented holdings, and references to paragraphs that do not exist. Within legal adjudication, mistakes of this kind amount to more than mere inaccuracies. They put at risk the institutional foundations on which precedent, advocacy, and judicial reasoning depend.

The Supreme Court's ruling in *Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd., 2026 INSC 668,*[2]represents a notable step forward in Indian law. The Court took a zero-tolerance stance toward the introduction of AI-hallucinated material into adjudication, holding that reliance on fabricated legal authorities fundamentally undermines the integrity of the decision-making process. The judgment also brings to light a wider regulatory issue: whether the existing rules of professional conduct and technology-neutral statutes suffice to regulate AI-mediated legal practice.

This paper explores the phenomenon of AI-generated fake case law by way of the intersecting frameworks of professional negligence, legal ethics, judicial integrity, constitutionalism, and regulatory governance. It maintains that the core legal difficulty lies not in the use of AI as such, but in the surrender of human verification and professional judgment. The paper puts forward framework made up of mandatory verification duties, AI-use disclosure mechanisms, continuing legal education, institutional court protocols, and proportionate disciplinary consequences. It asserts that technological innovation must remain subject to the constitutional commitment to reasoned adjudication, procedural fairness, and the rule of law.

[1] See Supreme Court of India, *Draft Regulations for Use of Artificial Intelligence in Courts, 2026* (2026).
[2] *Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd.*, 2026 INSC 668.

Keywords: Artificial Intelligence, Legal Ethics, Professional Misconduct, Judicial Integrity, Advocates Act, AI Hallucinations, LegalTech, Judicial Precedent.

INTRODUCTION

A.The Emergence of Generative Artificial Intelligence in the Legal Profession

Artificial Intelligence has become an increasingly important tool in modern legal practice. Large Language Models and other generative AI systems are being used to assist with legal research, drafting, and the organisation of legal information. Large Language Models ("LLMs") and generative AI systems are capable of summarising judgments, spotting legal issues, drafting pleadings, framing research questions, comparing statutory provisions, and producing preliminary legal memoranda in a matter of seconds. Legal practitioners are increasingly turning to AI-assisted research and drafting tools to supplement traditional databases and research platforms.

The relevance of such tools depends on the informational intensity of the activity. For lawyers, this factor is a priority due to the high frequency of interactions with legal norms, regulations, judicial practice, and other information. In this regard, the use of artificial intelligence to some extent simplifies and accelerates the work, reducing the time cost of preliminary research.. AI systems can cut down the time needed to find and arrange such information. When used responsibly, they can improve access to legal knowledge and allow lawyers to focus more on legal reasoning instead of mechanical research.

Nevertheless, the efficiency of generative AI masks a basic epistemic constraint.[3]An LLM does not always retrieve legal authorities the way a conventional legal database does. It produces linguistically plausible answers based on patterns drawn from training data and subsequent processing. As a result, a response may seem authoritative while containing a judgment that does not exist, an invented quotation, a misstated proposition of law, or a genuine case tied to a wholly fictitious holding.

This phenomenon is generally known as an "AI hallucination".[4] In everyday conversation, an inaccurate output may amount to little more than a nuisance. In legal proceedings, however, the consequences are substantially different. A fabricated precedent can find its way into a pleading, sway opposing submissions, waste judicial time, or, in the gravest cases, be woven into the reasoning of a judicial or quasi-judicial order.

[3] See *Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd.*, 2026 INSC 668.
[4] *Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd.*, 2026 INSC 668.

The problem therefore cannot be narrowed to technological reliability. It touches the institutional framework of the administration of justice.

B. Problem Statement: From AI Hallucination to Synthetic Legal Authority

The research problem posed by this paper is that generative artificial intelligence may create fictitious or misrepresent judicial authorities that are submitted as judicial authorities for inclusion in legal proceedings. These may take the form of spurious judgments, incorrect citations, misrepresented charges and findings by courts, and wrongly attributed quotations. The implications of such materials being used as a basis for legal arguments and findings of fact call into question the responsibility of advocates and courts, and the reliability and integrity of the judicature.

This paper seeks to determine whether Indian law and professional conduct standards provide an adequate legal and professional framework to address the potential risks posed by generative artificial intelligence. In particular, the research will examine what legal and professional risks arise from the use of AI-provided spurious case law, and how these relate to questions of professional negligence, judicial integrity, and appropriate regulatory safeguards.Three main types of synthetic authority can be distinguished.

First, an AI system might invent a completely fake authority: a case that never existed, complete with believable party names, a plausible date, an ostensible court, and even a made-up citation.

Second, it might take a genuine case and attach to it a proposition or holding that was never part of it. In this instance, the judgment is real, but the proposition ascribed to it is not.

Third, it might produce quotations or paragraph references that are misattributed, so that wording from one decision is credited to another, or a real passage is tied to the wrong paragraph.

Every form poses a distinct verification challenge, yet each can distort legal reasoning.

The seriousness of the problem is especially evident in India, where judicial precedent holds a constitutionally acknowledged place in the legal order. Under Article 141,[5] the law declared by the Supreme Court binds all courts throughout India. Thus the authority of precedent rests not on how persuasive it sounds. It rests on whether an actual judicial decision exists, is authentic, and has been interpreted accurately.

The rise of fabricated case law therefore poses a question that goes beyond professional negligence: what becomes of the integrity of adjudication when an artificial system can fabricate the appearance of legal authority?

C. Scope and Objectives

[5] INDIA CONST. art. 141.

This paper primarily examines AI-generated fake case law through the lens of Indian legal ethics and constitutional adjudication. It does not argue that AI ought to be kept out of legal practice. Nor does it regard every inaccurate AI output as an instance of professional misconduct. Rather, it concentrates on the legally significant shift from AI-assisted research to unverified reliance on AI-generated legal authority.

The paper sets out four principal objectives.
First, it pinpoints the technological mechanisms by which generative AI produces fabricated legal authorities.
Second, it considers the duties that the Advocates Act, 1961 and the Bar Council of India Rules place upon advocates.[6]
Third, it assesses the constitutional consequences of contaminated adjudication under Articles 14, 21 and 141. [7]
Fourth, it puts forward an institutional framework able to preserve technological innovation while ensuring that responsibility for legal accuracy stays with human legal professionals and judicial institutions.
The core argument is that AI should be regarded as a research instrument rather than an autonomous source of legal authority.[8]

THE MECHANICS OF AI-GENERATED FAKE CASE LAW

A. Why Large Language Models Invent Legal Authorities

The word "hallucination" might wrongly imply that an AI system intends to deceive. It does not. A more accurate account is computational and probabilistic.

Generative language models are built to predict and produce sequences of language that are statistically coherent within their context. They are not, by nature, legal databases. Their aim is not necessarily to determine whether a proposition matches a genuine judgment before it is produced.

This distinction becomes crucial when a user asks for a citation supporting a proposition.If the model has no dependable access to the underlying authority, it may still produce a response that looks like a standard legal citation, since a citation is the linguistically expected form of answer. The text that results can thus carry the syntax and vocabulary of legal scholarship while lacking its evidentiary basis.

The formal appearance of legal citations heightens the danger. A fabricated citation with a plausible case name, year, court, and paragraph number may seem more credible than a statement that is plainly wrong. The sophistication of the output can therefore raise, rather than lower, the risk of reliance.

B. Anatomy of Synthetic Citations

[6] Advocates Act, No. 25 of 1961, § 49(1)(c) (India).
[7] INDIA CONST. arts. 14, 21, 141.

AI-produced legal hallucinations can be categorized based on the type of defect involved.

The most obvious instance is a judgment that has been entirely fabricated. The parties, citation, date, and proposition might all be invented. A second type concerns real cases whose holdings are misrepresented. A third type involves authentic judicial wording taken from one authority but credited to a different one. A fourth type involves invented paragraph numbers, especially when the user asks for pinpoint citations.

These differences are significant for professional responsibility.A lawyer who intentionally fabricates a case commits a clear ethical violation. The harder question involves a lawyer who, without bad intent, relies on an AI-generated authority without checking it.

The proper legal response should not automatically treat technological ignorance as intentional deception.[9] Even so, ignorance cannot serve as a replacement for professional diligence. The lawyer who signs and files a pleading is still accountable for the legal arguments put forward on the client's behalf.

C. Indian Judicial Experience

In India, the matter has now gone past being a purely hypothetical worry.

In *Christian Louboutin SAS v. M/s The Shoe Boutique-Shutiq*,[10] the Delhi High Court refused to accept responses produced by ChatGPT as a dependable replacement for judicial research. The Court acknowledged that generative AI might generate fabricated case law, and stressed that AI-generated material could not take the place of the human intelligence and judicial reasoning that adjudication requires.
The Supreme Court later addressed the matter far more directly in *Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd., 2026 INSC 668.*[11]

What makes Pooja Ramesh Singh significant is not simply that artificial intelligence was involved. The case shows how fabricated authorities can taint the adjudicatory process itself. The National Company Law Tribunal and the National Company Law Appellate Tribunal had relied on six AI-generated citations, among them authorities that did not exist or contained paragraphs that did not exist. The Supreme Court set aside the orders and revived the underlying Section 7 insolvency proceeding.
The Court expressed a categorical institutional concern. It took a zero-tolerance stance toward the production, citation, or reliance on AI-hallucinated legal material without verification. Significantly, the Court did not ban legitimate use of AI. What troubled it was treating fabricated material as genuine legal authority.

The judgment matters especially because the Supreme Court's observations reach beyond the conduct of advocates. The record showed that the impugned authorities had not necessarily been provided by counsel but had entered the adjudicatory process

[9] Bar Council of India, *Rules on Standards of Professional Conduct and Etiquette*, pt. VI, ch. II, § I.
[10] *Christian Louboutin SAS & Anr. v. M/S The Shoe Boutique–Shutiq*, 2023:DHC:6090 (Delhi High Ct. Aug. 22, 2023).
[11] *Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd.*, 2026 INSC 668.

through the tribunal's own research. The case thus establishes that AI-related epistemic failure is a problem for both the Bench and the Bar, not merely one of lawyer misconduct.

PROFESSIONAL NEGLIGENCE AND LEGAL ETHICS

A. The Advocate's Duty to the Court

The legal profession occupies a rather special place in the system of administration of justice. An advocate who defends the interests of a client also has responsibilities to the court as an officer of the court and should help it in the fair and proper performance of its judicial duties.The Advocates Act, 1961 furnishes the statutory basis for the regulation of the profession. Section 49(1)(c) grants the Bar Council of India the power to frame rules that prescribe the standards of professional conduct and etiquette to be observed by advocates. Acting under this authority, the Bar Council of India has framed the Standards of Professional Conduct and Etiquette set out in Part VI, Chapter II of the BCI Rules.[12]

The rules that govern an advocate's duty to the court require, among other things, that an advocate keep a respectful attitude towards the judicial office, avoid any attempt to sway judicial decisions by improper means, and strive to prevent unfair practices in the administration of justice.

These obligations cannot be read as nothing more than ceremonial standards of courtroom decorum. They are substantive professional duties that flow from the advocate's institutional role.

The duty of candour necessarily takes in a duty not to put forward a non-existent legal authority as though it were genuine. [13]The duty of competence necessarily takes in reasonable verification of the authorities on which a legal submission rests.

As a result, bringing fabricated AI-generated case law into a pleading may, depending on the circumstances, amount to professional misconduct even where the fabrication came from an AI system rather than from the advocate's own imagination.[14]

B. Professional Misconduct and Technological Unawareness

The most difficult ethical question concerns the distinction between intentional misconduct and negligent reliance.

[12] Advocates Act, No. 25 of 1961, § 49(1)(c) (India).
[13] *Vishram Singh Raghubanshi v. State of Uttar Pradesh*, (2011) 7 SCC 776.
[14] Bar Council of India, *Rules on Standards of Professional Conduct and Etiquette*, pt. VI, ch. II, § I.

Suppose an advocate uses an LLM to identify authorities. The system produces a fabricated Supreme Court judgment. The advocate, without checking the citation, incorporates it into a written submission. There may be no evidence of an intention to deceive the court. Nevertheless, the legal system cannot treat the absence of subjective dishonesty as dispositive.

Professional responsibility is not exhausted by the advocate's state of mind. Legal practice involves duties of competence, diligence and verification.[15]

At the same time, disciplinary liability must remain proportionate.[16] An accidental citation error should not automatically attract the same consequences as a deliberate attempt to mislead the court. The appropriate framework should therefore distinguish among:

1. Good-faith, promptly corrected error;
2. Negligent failure to verify AI-generated authority;
3. Reckless repetition of suspicious or unverifiable authorities; and
4. Deliberate fabrication or knowing presentation of false authority.

Such a graduated approach would preserve both professional accountability and procedural fairness.

C. The Duty of Independent Verification

The most defensible rule is straightforward: **an advocate may delegate research assistance to technology but cannot delegate professional responsibility to technology**.

AI-generated legal propositions should therefore be independently verified through authoritative legal sources. Platforms such as SCC Online, Manupatra and Indian Kanoon may assist in locating the underlying judgment, but the principle is broader than the use of any particular database. The advocate must examine the actual judicial decision and confirm that the proposition attributed to it is supported by the judgment.

This obligation becomes especially important when AI provides precise paragraph numbers, quotations, or supposedly binding precedent. Apparent precision is not a substitute for authenticity.

The Supreme Court's reasoning in *Pooja Ramesh Singh* reinforces this proposition. The Court's concern was not that AI had been used; rather, it was that unverified AI-generated material had been allowed to acquire the status of legal authority.[17]

AI HALLUCINATIONS AND JUDICIAL INTEGRITY

A. Contamination of the Judicial Record

[15] Bar Council of India, *Rules on Standards of Professional Conduct and Etiquette*, pt. VI, ch. II, § I.
[16] Advocates Act, No. 25 of 1961, § 35 (India).
[17] *Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd.*, 2026 INSC 668.

The judicial record plays a constitutive role in adjudication. Pleadings define the dispute; submissions set out the applicable law; evidence establishes the facts; and judicial reasoning ties the two together through legal analysis.

A fabricated authority inserted into this structure is not a mere clerical mistake. It can warp the premises on which a court reasons.

If a judge takes a particular proposition to have already been authoritatively settled, the court may build its reasoning around a legal proposition that does not exist in law. The resulting judgment may thus seem coherent while it rests on a false premise.

This phenomenon can be called adjudicatory contamination.

The problem is especially grave because judicial reasoning is iterative. A fabricated authority in a lower-court decision may later be cited in another proceeding. If it goes undetected, the fictitious proposition can take on an appearance of legitimacy through repetition.

The resulting danger is not simply misinformation but the creation of a synthetic chain of precedent.

B. Article 141 and the Integrity of Stare Decisis

Article 141 occupies a central position in this discussion.Article 141 of the Constitution of India provides that the law declared by the Supreme Court shall be binding on all courts within the territory of India. This provision gives constitutional recognition to the binding nature of Supreme Court precedent and promotes consistency in the interpretation and application of law. The provision declares that the law declared by the Supreme Court is binding upon all courts within India.[18]

The constitutional force of Article 141 presupposes the existence of an authentic judicial decision from which the law has been declared. A fictitious judgment cannot acquire constitutional authority merely because it is formatted like a judgment or repeatedly cited as one.

The problem may therefore be conceptualised as an attack upon the epistemic foundations of *stare decisis*. Precedent operates through a chain of authenticity: there must be an actual decision; the decision must contain a discernible legal proposition; that proposition must be accurately identified; and subsequent courts must apply it within its proper doctrinal context.

AI-generated fake case law can disrupt every stage of this chain.The appropriate constitutional response is not to dilute Article 141 but to protect the conditions under which Article 141 can function. A fabricated Supreme Court authority is not a weak precedent. It is **not precedent at all**.

This explains the force of the Supreme Court's statement in *Pooja Ramesh Singh* that a decision founded upon fake or hallucinated material cannot be treated as a valid

[18] INDIA CONST. art. 141.

judicial determination. The Court's concern is ultimately institutional: adjudication cannot derive legal legitimacy from authorities that do not exist.[19]

C. Article 14: Non-Arbitrariness and Epistemic Integrity

Article 14 of the Constitution of India provides for equality before the law and equal protection of the laws. It contains the basic constitutional philosophy against arbitrary action by the State, and in the context of the judiciary it emphasizes the necessity of rational decision-taking.

Although the connection between AI hallucination and Article 14 is not direct, it is nonetheless significant.[20]

Judicial decisions should be based on legally relevant reasons rather than on arbitrary or fabricated premises. When materially similar cases yield different outcomes—because one adjudicating authority relies on genuine precedent while another relies on fabricated AI-generated authority—the consistency that the rule of law requires is undermined.

Article 14 therefore provides a constitutional framework for examining the epistemic quality of adjudication.

This does not mean that every citation error constitutes a violation of Article 14. [21]Ordinary errors in judicial reasoning do not automatically make it constitutionally defective. The issue takes on constitutional significance when unreliable information substantially shapes the reasoning process and, in doing so, weakens the rational link between the facts, the law, and the conclusion.

The principle of non-arbitrariness requires that legal consequences arise from ascertainable legal norms. A fabricated precedent cannot supply such a norm.

Consequently, AI governance in courts should be seen in part as a way of protecting the constitutional requirement that adjudication remain reasoned, consistent, and legally intelligible.

D. Article 21 and the Right to Fair Procedure

Article 21 of the Constitution of India provides that no person shall be deprived of life or personal liberty except according to a procedure established by law. Through judicial interpretation, this provision has come to include the requirement that procedures affecting life and personal liberty must be fair, just, and reasonable. In the context of AI-generated fake case law, the provision is relevant to the reliability and fairness of judicial proceedings involving legally protected interests..Article 21 safeguards life and personal liberty, save in accordance with procedure established by

[19] *Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd.*, 2026 INSC 668.
[20] INDIA CONST. art. 14.
[21] *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3.

law. Indian constitutional jurisprudence has reshaped Article 21 into a guarantee of a fair, just and reasonable procedure.[22]

The administration of justice is part of the institutional setting in which Article 21 functions.[23] Judicial determination of rights, liberty, property and reputation must thus rest on a process that can yield legally reliable outcomes.
AI-generated fake authorities put this reliability at risk.

A litigant who appears before a court is entitled to have the dispute decided according to law. That entitlement would be empty if the legal propositions applied by the adjudicator could stem from unverifiable machine-generated text.

Once more, the argument should not be pushed too far. Article 21 does not give rise to an independent constitutional cause of action each time a judge comes across an inaccurate citation. The constitutional concern emerges where reliance on fabricated authority materially undermines the fairness, rationality or reliability of adjudication.
The deeper principle is thus one of procedural legitimacy: the use of technological systems must not diminish the litigant's entitlement to a judicial process governed by authentic law and human responsibility.

JUDICIAL TIME, COSTS AND CONTEMPT

A. Institutional Costs of Fabricated Authorities

AI-generated fake case law imposes costs that extend beyond the immediate parties.

Courts must spend time verifying non-existent judgments, correcting erroneous submissions, reconstructing the relevant law, and determining whether the proceedings have been compromised. Opposing counsel must expend resources responding to propositions that should never have entered the litigation.[24]

The cumulative effect is significant in a judicial system already confronted by substantial caseloads.The issue is therefore not simply one of accuracy. It concerns the allocation of scarce judicial resources.

B. Contempt of Court

The Contempt of Courts Act, 1971 defines criminal contempt broadly to include conduct that scandalises or tends to scandalise the authority of a court, prejudices or interferes with judicial proceedings, or obstructs the administration of justice.[25]

However, an important distinction must be maintained. **Not every AI hallucination constitutes contempt of court.**Contempt is a serious jurisdiction requiring principled application. A negligent citation error, particularly one promptly corrected, should not automatically be transformed into contempt proceedings.

[22] INDIA CONST. art. 21.
[23] *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.
24 Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd., 2026 INSC 668.
[25] Contempt of Courts Act, No. 70 of 1971, § 2(c) (India).

The relevant inquiry should instead consider factors such as knowledge, recklessness, materiality, repetition, prejudice to proceedings, and the presence or absence of corrective conduct.

The same conduct may therefore attract different legal consequences depending upon its circumstances: professional discipline, procedural sanctions, costs, contempt jurisdiction, or no sanction at all where an innocent error is promptly rectified.

COMPARATIVE REGULATORY APPROACHES

A. United States: Mandatory Verification and Certification

Courts in the United States have responded more and more to generative AI by issuing standing orders and setting filing requirements specific to individual judges.

A number of federal courts have mandated that lawyers confirm that AI-generated content has been checked independently for accuracy.[26] These steps acknowledge that the procedural rules already in place place responsibility on the individual who signs a filing.

The regulatory reasoning behind this matters: using AI does not shift responsibility away from the lawyer and onto the machine.Certain judicial orders take a notably strict stance, calling for certification about the use of generative AI or even limiting AI-generated text in certain types of filings.

The American example shows that courts do not have to ban AI in order to manage the risks it poses. Procedural verification can serve as a middle route between banning the technology outright and regulating it with indifference.

B. United Kingdom: Professional Responsibility

The Bar Council of England and Wales has similarly emphasised verification, professional judgment, confidentiality, competence and the continuing responsibility of barristers for work produced with AI assistance.[27]

The British approach is notable because it does not treat AI as an entirely novel ethical universe. Existing professional obligations—particularly duties not to mislead the court and to provide competent professional service—remain applicable even when technology is used.

[26] See U.S. Dist. Ct. for the Dist. of Kan., *Standing Order 26-01* (2026).
[27] Bar Council of England and Wales, *Guidance on Generative Artificial Intelligence*, updated Nov. 26, 2025.

This approach offers an important lesson for India: technological innovation does not necessarily require the replacement of professional ethics. It requires their technological application.

INDIA'S REGULATORY POSITION

A. Beyond the Notion of a Complete "Legal Vacuum"

It would not be accurate to say that Indian law has an absolute legal vacuum when it comes to AI-generated fake case law.

Professional obligations are already set out in the Advocates Act and the BCI Rules. The Contempt of Courts Act offers an institutional safeguard against interference with the administration of justice. Courts already possess procedural powers that allow them to control their proceedings and impose suitable consequences for abusive conduct.[28]

More significantly, Pooja Ramesh Singh offers direct Supreme Court guidance on AI-hallucinated legal material.The Supreme Court's Draft Regulations for Use of AI in Courts, 2026 also point to a developing institutional framework grounded in principles such as human primacy, transparency, accountability, auditability, data protection, cybersecurity and judicial independence.[29]

A more accurate description, then, is that India's regulatory framework is fragmented and still evolving, rather than completely absent.B. The Advocates Act as a Foundation for AI-Specific Standards

Section 49(1)(c) of the Advocates Act provides a potential statutory foundation for developing more precise professional standards.[30]

The Bar Council of India need not create an entirely new conception of professional responsibility. It could clarify how existing duties apply when advocates employ generative AI.

Such standards could require that advocates:

i. independently verify every AI-generated legal authority before citation;
ii. retain sufficient research records to demonstrate verification where appropriate;
iii. refrain from citing authorities that cannot be independently located;
iv. disclose AI use where mandated by court rules;
v. exercise enhanced scrutiny over quotations, paragraph references and statutory provisions generated by AI; and
vi. undertake continuing legal education concerning AI-assisted legal practice.

[28] *Advocates Act*, No. 25 of 1961, §§ 35, 49(1)(c) (India); Bar Council of India, *Rules on Standards of Professional Conduct and Etiquette*, pt. VI, ch. II, § I.
[29] Supreme Court of India, *Draft Regulations for Use of Artificial Intelligence in Courts, 2026* (2026).
[30] *Advocates Act, No. 25 of 1961, § 49(1)(c) (India).*

This would transform the general duty of professional competence into a technologically specific duty of verification.

B. Relationship with the Digital Personal Data Protection Framework

The Digital Personal Data Protection Act, 2023 governs processing activities of digital personal data. The law aims to regulate processing conduct while also acknowledging the need to protect personal information and ensuring that processing takes place legally. The Digital Personal Data Protection Act, 2023 is applicable to the usage of artificial intelligence in legal practice because lawyers and legal entities may process personal information when using digital media.

Legal information provided to an AI system may contain personal information about clients, witnesses, and other individuals, and therefore, their data protection needs should be considered based on the context of usage.

Data protection and accuracy of information generated by artificial intelligence systems are independent issues. In other words, the Digital Personal Data Protection Act, 2023 offers a legal framework for processing personal information but does not address the fabrication of judicial resources, and therefore such ethical and legal concerns should be considered separately.The Digital Personal Data Protection Act, 2023 is relevant to the broader governance of AI systems, particularly where confidential or personal information is processed.[31]

However, it should not be presented as a comprehensive answer to fabricated case law. Data protection and professional responsibility address different regulatory problems.The central issue in AI hallucination is not necessarily unlawful processing of personal data. It is the reliability of generated legal information and the allocation of responsibility for its use.

The Indian regulatory framework must therefore avoid the temptation to treat general AI or data-protection legislation as a substitute for profession-specific courtroom standards.

LEGALTECH PLATFORMS AND DISTRIBUTION OF RESPONSIBILITY

A further question concerns the responsibility of AI and LegalTech providers.It would be inappropriate to impose strict liability upon technology providers for every erroneous legal output. Generative AI systems are probabilistic tools, and their outputs may depend upon prompts, model architecture, available databases, retrieval mechanisms and user conduct.

The more defensible approach is a **shared-responsibility model**.

[31] Digital Personal Data Protection Act, No. 22 of 2023 (India).

The advocate remains primarily responsible for the accuracy of a pleading or submission signed and presented to the court. Courts remain responsible for maintaining the integrity of their adjudicatory processes. Technology providers, however, should bear appropriate responsibility where they make specific representations concerning legal accuracy, provide identifiable retrieval systems, or knowingly design systems in ways that materially misrepresent generated content as verified authority.

LegalTech platforms should therefore distinguish clearly between:

1. retrieved authorities;
2. AI-generated summaries;
3. AI-generated propositions;
4. user-supplied material; and
5. independently verified legal authorities.

A system that visually presents generated text in the same manner as authenticated judicial material risks creating precisely the confusion that the legal profession must avoid.

PROPOSED INDIAN REGULATORY FRAMEWORK

A. Mandatory Human Verification

The foundational principle should be simple:

No AI-generated legal authority should be cited before a court unless independently verified by a human legal professional.

Verification should include the existence of the case, correctness of the citation, identity of the court, date of decision, relevant paragraph, and accuracy of the proposition attributed to the judgment.

B. AI Verification Statement

Courts may consider requiring a concise declaration in appropriate categories of filings stating that all authorities cited have been independently verified.

Such a requirement need not demand disclosure of every ordinary technological tool used by counsel. The objective should be targeted accountability rather than technological surveillance.

A model declaration could provide:

> "The undersigned counsel certifies that the authorities cited in this filing have been independently verified against authentic legal sources and that no AI-generated authority has been presented as an authentic judicial authority without such verification."

Such certification would reinforce the existing professional duty without unnecessarily burdening legitimate technological use.

C. Continuing Legal Education

The Bar Council of India should consider introducing mandatory Continuing Legal Education ("CLE") modules concerning generative AI.

Such training should address:

1. hallucinated authorities;
2. prompt reliability;
3. citation verification;
4. confidentiality risks;
5. data protection;
6. intellectual property;
7. professional misconduct;
8. disclosure obligations; and
9. responsible AI-assisted drafting.

AI literacy should increasingly be understood as part of professional competence.A lawyer need not become a computer scientist. But a lawyer who routinely uses generative AI should understand the limitations of the tool sufficiently to identify when independent verification is indispensable.

D. Court-Level Protocols

The judiciary should develop standard protocols governing AI use in litigation and adjudication.

Such protocols could permit courts to require disclosure where AI-generated material is suspected to have entered a filing or judicial research process. Registries could also develop mechanisms for flagging suspicious citations, although technological detection should never become a substitute for human legal verification.AI-detection software itself can generate false positives and false negatives. Accordingly, automated detection should function as a screening mechanism rather than an adjudicatory mechanism.

E. Graduated Sanctions

The regulatory framework should avoid both extremes: treating every mistake as misconduct and allowing serious fabrication to escape consequence.

A proportionate sanctions matrix may distinguish:

Level I - Innocent error: correction and, where necessary, costs.

Level II - Negligent non-verification: warning, costs, mandatory AI-ethics training, or professional review.

Level III - Reckless reliance: stronger procedural sanctions and potential disciplinary referral.

Level IV - Knowing or deliberate fabrication: disciplinary proceedings, appropriate procedural sanctions, and contempt jurisdiction where legally justified.

Such a framework would align sanctions with culpability and actual institutional harm.

CONSTITUTIONAL BALANCE: INNOVATION WITHOUT ABDICATION OF HUMAN JUDGMENT

The regulatory response must avoid an equally problematic assumption: that every use of AI threatens judicial independence.

AI can improve legal accessibility, assist research, identify inconsistencies, and reduce administrative burdens. A prohibitionist approach would deprive the justice system of legitimate technological benefits.

The constitutional principle should instead be one of **human primacy**.Article 14 requires rational and non-arbitrary adjudication. Article 21 requires fair and legally reliable procedure. Article 141 preserves the authority of authentic Supreme Court precedent. None of these constitutional commitments is inherently hostile to technology.[32]

What they reject is the substitution of unverifiable machine-generated assertions for legal reasoning.

The appropriate constitutional distinction is therefore between **technology as an instrument of adjudication and technology as an unaccountable source of adjudicatory authority**.The former can strengthen the justice system. The latter risks weakening it.

Article 136 also assumes importance as part of the institutional architecture because the Supreme Court's appellate jurisdiction provides a mechanism through which legally erroneous decisions can be corrected. [33]But appellate correction should not be mistaken for a substitute for first-instance safeguards. Once fabricated authorities influence litigation, correction itself consumes judicial resources and imposes costs upon parties.

The constitutional objective must therefore be preventive as well as corrective.

[32] INDIA CONST. arts. 14, 21, 141.
[33] INDIA CONST. art. 136.

[FICTIONAL ILLUSTRATIVE SCENARIO]

[Fictional Illustrative Scenario - not a real case]

Take a commercial dispute in which a lawyer turns to an LLM to investigate whether a contractual limitation clause can be enforced. The system produces what appears to be a Supreme Court ruling holding that clauses of this kind are presumptively invalid. The case name, citation and paragraph number all look credible.

Counsel fails to check the authority and includes it in written submissions. The opposing party cannot find the judgment and points out the discrepancy to the court. Three distinct legal questions then arise.

First, did counsel act negligently by not verifying the authority?

Second, if the court relied on that authority, did this affect the soundness of its reasoning?

Third, do the circumstances warrant procedural, disciplinary or contempt-related consequences?

The answers ought to turn on culpability and materiality. Where counsel withdraws the citation at once and the court never relies on it, the consequences should generally be less serious than where counsel keeps relying on it after being told the authority cannot be found.

If, however, the court relies substantially on the fictitious precedent and grounds its conclusion in it, the issue ceases to be merely one of professional negligence. The integrity of adjudication itself is called into question.
This scenario captures the central thesis of this paper: the legal significance of AI hallucination rests not simply on how the error came about, but on whether the legal system allowed that error to gain institutional authority.

CRITICAL ANALYSIS

The emerging Indian approach reveals an important conceptual shift. The traditional law of professional misconduct was designed primarily around human conduct. AI complicates this model because the immediate source of the false statement may be an autonomous computational system.

Yet the introduction of AI does not dissolve legal responsibility. The opposite is necessary. Where technology increases the capacity to generate convincing but unreliable legal material, human verification becomes more-not less-important.

The central regulatory mistake would be to conceptualise AI hallucination as a purely technological defect. The relevant question is institutional: **who was responsible for determining whether the generated material was legally reliable before it entered the adjudicatory process?**

The answer must ultimately remain human.

This principle is particularly compelling in constitutional adjudication. The legitimacy of courts does not arise from the volume of information they process. It arises from their ability to provide reasons grounded in law. A technologically sophisticated system that produces fictitious authorities cannot satisfy that requirement merely because its outputs are linguistically persuasive.

The Supreme Court's approach in *Pooja Ramesh Singh* is therefore significant not simply as an AI decision but as a reaffirmation of the institutional character of adjudication.[34] The Court's zero-tolerance approach signals that legal reasoning cannot be outsourced at the point at which authenticity becomes essential.

At the same time, regulation must preserve proportionality. If every inadvertent AI-generated citation results in severe disciplinary action, lawyers may avoid useful technologies altogether or conceal their use. Such an outcome would drive AI-assisted research underground rather than make it safer.

The preferable model is transparent, proportionate and verification-centred.

FINDINGS

The analysis produces five main conclusions.
Firstly, fabricated case law generated by AI constitutes a separate class of legal risk, since it can create the semblance of authority rather than simply advancing an incorrect legal proposition.

Secondly, the existing professional obligations under the Advocates Act[35] and the BCI Rules are broad enough to serve as an initial foundation for accountability, though clarification specific to AI would considerably enhance certainty.[36]

Thirdly, the constitutional importance of the issue rests chiefly on the integrity of adjudication. Articles 14 and 21 offer normative protections against arbitrary and unreliable decision-making, whereas Article 141 assumes that the precedent courts treat as binding law is authentic.[37]

Fourthly, *Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd.* marks a significant doctrinal step by explicitly acknowledging the institutional threat posed by AI-hallucinated legal material and broadening the concern to encompass both Bench and Bar.[38]

Fifthly, India does not need an outright ban on AI in legal practice. What it needs is a regulatory framework grounded in human verification, professional accountability, institutional safeguards, AI literacy and proportionate sanctions.

[34] *Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd.*, 2026 INSC 668.
[35] *Advocates Act*, No. 25 of 1961, §§ 35, 49(1)(c) (India).
[36] Bar Council of India, *Rules on Standards of Professional Conduct and Etiquette*, pt. VI, ch. II, § I.
[37] INDIA CONST. arts. 14, 21, 141.
[38] *Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd.*, 2026 INSC 668.

CONCLUSION

For the legal profession, generative artificial intelligence creates a paradox. This technology holds out the promise of unmatched efficiency in working through an ever more intricate body of law, yet that same technology is capable of fabricating legal authorities that never existed. The danger, then, is not that machines will take the place of lawyers or judges. The more pressing danger is that human legal institutions might, for a time, confuse machine-generated plausibility with genuine legal authenticity.Any response must start by reaffirming first principles.

An advocate's professional responsibility cannot be handed over to an algorithm. A court's constitutional duty to decide in accordance with law cannot be assigned to a probabilistic language model. A citation does not turn into precedent merely because an AI system asserts it with confidence. And Article 141 cannot apply to authorities that exist nowhere outside a machine-generated response.[39]

The Advocates Act, 1961[40] and the BCI Rules already lay the groundwork for insisting on professional competence, candour and fidelity to the court.[41] What is needed is a technologically specific formulation of these duties. The Bar Council of India should clarify verification obligations, introduce continuing legal education focused on AI, and set proportionate disciplinary standards. Courts should adopt procedural protocols that encourage responsible disclosure and independent verification without placing unnecessary burdens on legitimate technological use.

The constitutional dimensions matter just as much. Article 14 requires adjudication that is rational and non-arbitrary; Article 21 safeguards the fairness and reliability of procedures affecting legally protected interests; and Article 141 rests upon the authenticity of the precedent through which the Supreme Court declares law. AI hallucinations threaten these values not because artificial intelligence is inherently at odds with constitutionalism, but because unverified synthetic authority is at odds with the rule of law.[42]

The Supreme Court's ruling in Pooja Ramesh Singh offers a significant doctrinal foundation for this approach. Its insistence that fabricated AI material cannot be allowed to contaminate adjudication mirrors a wider institutional truth: the authority of law rests upon the authenticity of the reasons by which law is identified and applied.[43]

India should therefore turn away from both technological complacency and technological prohibition. The fitting model is regulated augmentation-AI may assist legal professionals, but it must stay subordinate to human judgment, professional responsibility and judicial authority.

The core principle is straightforward yet carries constitutional weight: AI can help the lawyer locate the law, but it cannot free the lawyer from the obligation to confirm it.

[39] INDIA CONST. art. 141.
[40] *Advocates Act*, No. 25 of 1961, §§ 35, 49(1)(c) (India).
[41] Bar Council of India, *Rules on Standards of Professional Conduct and Etiquette*, pt. VI, ch. II, § I.
[42] INDIA CONST. arts. 14, 21, 141.
[43] *Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd.*, 2026 INSC 668.

AI can help the court handle information, yet it cannot turn into the source of legal authority on which adjudication depends.

Accordingly, the future of AI in Indian courts ought not to be gauged by the volume of legal work that can be automated, but by whether technological innovation can be adopted without undermining the authenticity, accountability and constitutional legitimacy of judicial decision-making.

BIBLIOGRAPHY

A.STATUTES AND CONSTITUTIONAL MATERIALS

1. *The Advocates Act*, No. 25 of 1961 (India).
2. *The Contempt of Courts Act*, No. 70 of 1971 (India).
3. *The Digital Personal Data Protection Act*, No. 22 of 2023 (India).
4. *The Constitution of India*, arts. 14, 21, 136, 141.

B. CASE LAWS

1. *Christian Louboutin SAS & Anr. v. M/S The Shoe Boutique–Shutiq*, 2023:DHC:6090 (Delhi High Ct. Aug. 22, 2023).
2. *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3.
3. *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.
4. *Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd.*, 2026 INSC 668.
5. *Vishram Singh Raghubanshi v. State of Uttar Pradesh*, (2011) 7 SCC 776.

C. PROFESSIONAL AND REGULATORY MATERIALS

1. Bar Council of India, *Rules on Standards of Professional Conduct and Etiquette*, pt. VI, ch. II, § I.
2. Bar Council of England and Wales, *Guidance on Generative Artificial Intelligence*, updated Nov. 26, 2025.
3. Supreme Court of India, *Draft Regulations for Use of Artificial Intelligence in Courts, 2026* (2026).

D. COMPARATIVE JUDICIAL MATERIALS

1. U.S. Dist. Ct. for the Dist. of Kan., *Standing Order 26-01* (2026).
2. U.S. Dist. Ct. for the N. Dist. of Tex., *Standing Order Regarding Use of Generative Artificial Intelligence* (2023).