



Legal Responsibility for AI Errors and Professional Misconduct in India

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Abstract

Artificial Intelligence (AI) tools such as ChatGPT, Claude, and Gemini are increasingly being used in the legal profession for drafting petitions, summarizing judgments, and conducting legal research. While these technologies improve efficiency and reduce research time, they also create serious risks when they generate false or non-existent legal information, commonly known as “AI hallucinations.” In the legal field, such errors may lead to fabricated citations, misleading legal arguments, and violations of professional ethics.

This paper examines how Indian law addresses the misuse of AI by legal professionals in the absence of a dedicated statutory framework regulating artificial intelligence. It argues that advocates cannot avoid liability by attributing errors to technological systems because the duty to verify legal authorities remains a personal and professional obligation. The paper further analyzes the relevance of the Advocates Act, 1961, Bar Council of India Rules, the Digital Personal Data Protection Act, 2023, and constitutional principles relating to privacy and fair procedure. It also evaluates emerging international approaches to AI governance and proposes reforms such as mandatory disclosure of AI-assisted drafting, digital ethics guidelines, and institutional safeguards for responsible AI usage in legal practice.

Keywords-Artificial Intelligence; AI Hallucinations; Professional Misconduct; Legal Ethics; Advocates Act; AI Liability; Legal Profession; Data Privacy; Constitutional Law; AI Governance

I Introduction

Technological innovation has transformed almost every profession, and the legal field is no exception. Lawyers, law firms, corporate legal departments, and even judicial institutions increasingly rely upon Artificial Intelligence (AI) tools for research, drafting, document review, and data analysis. Generative AI systems are capable of producing summaries, identifying precedents, and preparing legal drafts within seconds. These developments have significantly improved efficiency and accessibility in legal work.



At the same time, the growing dependence on AI has introduced new risks for the administration of justice. One of the most serious concerns is the phenomenon commonly referred to as “AI hallucination,” where an AI system generates information that appears authentic but is, in reality, false or entirely fabricated. In legal practice, such hallucinations may include imaginary judgments, incorrect statutory provisions, fabricated quotations, or non-existent case citations. The problem becomes particularly dangerous because legal writing follows a structured and authoritative style. AI-generated legal text often appears highly convincing even when it contains factual inaccuracies. Consequently, advocates who rely upon unverified AI-generated material risk misleading courts and compromising the integrity of judicial proceedings.

The issue is not merely technological; it raises broader concerns regarding professional ethics, constitutional accountability, and data privacy. Indian courts depend upon advocates to assist in the administration of justice through accurate submissions and responsible advocacy. Therefore, the use of fabricated legal authorities, whether intentional or negligent, threatens public confidence in the justice system.

India presently lacks a comprehensive statute specifically governing AI liability in legal practice. Nevertheless, existing legal principles under the Advocates Act, professional conduct rules, constitutional jurisprudence, and privacy legislation provide a framework through which AI-related misconduct may be examined.

This paper analyzes whether the submission of false AI-generated legal information can amount to professional misconduct under Indian law. It also evaluates privacy concerns arising from the disclosure of confidential client information to AI platforms and examines the need for regulatory reforms capable of balancing technological innovation with professional accountability.

II. Understanding AI Hallucinations and Their Risks

Artificial Intelligence systems do not reason in the manner human beings do. Generative AI models operate by identifying statistical patterns from massive datasets and predicting probable sequences of language. As a result, these systems may produce responses that appear coherent and authoritative without verifying whether the information is factually accurate.

This phenomenon is commonly known as an “AI hallucination.” In the legal profession, hallucinations are especially dangerous because they may generate fictitious precedents, fabricated judicial observations, or misleading interpretations of statutory provisions. Since legal arguments heavily depend upon accurate authorities and precedents, even minor inaccuracies can significantly affect judicial outcomes.

For instance, an AI system may generate a case citation that appears genuine, complete with paragraph references and judicial reasoning, despite the fact that no such judgment exists. If an advocate submits such material before a court without independent verification, it may amount to professional negligence and potentially interfere with the administration of justice.

The risks associated with AI are not limited to inaccurate legal research. The increasing use of public AI platforms by professionals has also created serious confidentiality and cyber security concerns. Employees and legal practitioners frequently upload agreements, contracts, internal



memoranda, and sensitive client information onto AI systems for summarization or drafting assistance. Such practices may expose confidential information to external servers or third-party processing systems.

At the same time, it would be incorrect to view AI solely as a threat to the legal profession. AI technologies also provide substantial benefits. They can reduce legal costs, improve access to legal information, assist overburdened practitioners, and make legal services more accessible to individuals who cannot afford extensive legal research. Small law firms and young advocates, in particular, may benefit from AI-assisted research tools that reduce time and financial barriers. The challenge, therefore, is not whether AI should be prohibited in legal practice, but whether its use can be regulated responsibly. The central concern lies in preventing uncritical reliance upon automated systems while preserving the efficiency advantages that such technologies offer.

III. Judicial Concerns Regarding AI-Generated False Information

Courts across various jurisdictions have begun expressing concern regarding the misuse of generative AI in legal proceedings. Judges have repeatedly emphasized that advocates remain personally responsible for verifying every authority, precedent, and factual assertion submitted before a court, irrespective of whether AI tools were used during preparation.

One of the most widely discussed examples is *Mata v. Avianca, Inc.*, where lawyers relied upon AI-generated citations that referred to non-existent judicial decisions. Upon discovering that several cited authorities were fabricated, the court imposed sanctions and criticized the advocates for failing to verify the accuracy of their submissions. The incident demonstrated how blind reliance upon AI-generated research may undermine professional responsibility and judicial integrity.

Although Indian courts have not yet witnessed a controversy identical in scale, judicial awareness regarding AI-related risks is gradually increasing. Indian courts have emphasized the importance of accuracy, fairness, and candor in legal proceedings. The judiciary has consistently maintained that advocates are officers of the court and owe a duty of honesty in presenting legal authorities. The reasoning adopted in *R. K. Anand v. Delhi High Court* is particularly relevant in this context. The Supreme Court stressed that professional misconduct by advocates may adversely affect the credibility of the justice delivery system. Similarly, in *T. C. Mathai v. District & Sessions Judge*, the Court emphasized the ethical obligations attached to the legal profession.

The judicial concern surrounding AI-generated misinformation ultimately reflects a larger constitutional principle: the administration of justice depends upon truthful representation and procedural fairness. Technology may assist advocates in research and drafting, but it cannot replace professional judgment or ethical responsibility.

IV. Professional Misconduct under the Advocates Act, 1961

The legal profession in India is governed primarily by the Advocates Act, 1961 and the rules framed by the Bar Council of India. Section 35 of the Act empowers disciplinary authorities to punish advocates for professional or other misconduct.



Although the statute does not expressly refer to Artificial Intelligence, the existing ethical framework is broad enough to address AI-related negligence and misuse. Advocates are expected to maintain honesty, fairness, competence, and respect toward the court. Submitting fabricated or unverified legal authorities may therefore amount to professional misconduct even when the inaccuracies originate from AI systems.

The Bar Council of India Rules on Professional Standards and Etiquette require advocates to act in a dignified manner and refrain from misleading the court. The responsibility to verify legal authorities cannot be delegated to software applications or automated tools. Consequently, blind dependence upon AI-generated legal research may demonstrate a failure to exercise reasonable professional care.

The constitutional dimension of this issue is equally significant. The Supreme Court in *Maneka Gandhi v. Union of India* expanded the interpretation of Article 21 by emphasizing fairness, reasonableness, and procedural due process within state action. Although AI-generated legal errors arise primarily within private legal practice, inaccurate submissions capable of influencing judicial decisions may indirectly affect procedural fairness and access to justice.

Furthermore, the constitutional right to privacy is recognized in *Justice K. S. Puttaswamy v. Union of India* strengthens concerns regarding the handling of confidential information by AI platforms. The judgment recognized informational privacy as an essential aspect of dignity and personal liberty under Article 21. Therefore, indiscriminate disclosure of client information through AI systems may raise not only ethical concerns but also constitutional implications relating to privacy and data protection. Thus, while AI may transform legal practice technologically, it does not diminish the advocate's professional or constitutional responsibilities.

V. Privacy and Confidentiality Concerns

The growing use of AI platforms in professional environments has intensified concerns relating to confidentiality and data protection. Lawyers, employees, and corporate professionals frequently upload contracts, internal documents, financial records, and client communications to AI systems for summarization and drafting purposes.

Such practices may expose sensitive information to external processing systems and increase the possibility of unauthorized disclosure. Under the Digital Personal Data Protection Act, 2023, organizations are expected to implement reasonable safeguards for the protection of personal data. Although the statute does not specifically regulate AI-generated legal content, its privacy principles remain relevant where personal or confidential information is processed through AI platforms.

Professional confidentiality constitutes a foundational principle of legal ethics. Advocates owe fiduciary obligations toward their clients, including the duty to preserve privileged communications. Uploading confidential legal documents onto publicly accessible AI platforms without informed consent may compromise this obligation, particularly where the platform stores or reuses user inputs.



The constitutional recognition of informational privacy under Article 21 further reinforces the importance of protecting personal data within digital environments. As AI systems become increasingly integrated into professional workspaces, the absence of clear institutional safeguards may create uncertainty regarding liability, accountability, and cybersecurity standards.

Accordingly, stronger compliance frameworks, organizational AI policies, and confidentiality safeguards are necessary to ensure responsible technological usage within the legal profession.

VI. Comparative International Approaches to AI Accountability

Several jurisdictions have already begun developing regulatory and ethical frameworks governing the professional use of AI systems.

In the United States, courts have responded to AI-generated false citations by imposing sanctions upon lawyers who failed to verify AI-generated authorities. Professional organizations such as the American Bar Association have also issued ethical guidance emphasizing competence, confidentiality, and technological responsibility.

The European Union has adopted the European Union Artificial Intelligence Act, which introduces a risk-based regulatory model for AI systems. The legislation imposes stricter obligations upon high-risk AI applications and seeks to ensure transparency, accountability, and human oversight.

International organizations such as UNESCO and the Organization for Economic Co-operation and Development have similarly emphasized ethical AI governance based on transparency, fairness, accountability, and human rights.

India has not yet enacted a dedicated AI statute comparable to the EU AI Act. However, policy initiatives such as NITI Aayog's "Responsible AI for All" strategy indicate growing recognition of the need for ethical AI governance.

VII. Recommendations for Legal and Institutional Reform

The rapid expansion of AI technology requires legal and institutional reforms capable of balancing innovation with accountability.

1. Mandatory Disclosure of AI Usage

Courts may consider requiring advocates to disclose the use of AI tools in drafting pleadings or conducting legal research. Such disclosure mechanisms would promote transparency and encourage greater verification of AI-generated content.

2. Institutional AI Governance Policies

Law firms, corporate entities, and legal departments should formulate internal AI governance policies dealing with:

- Confidentiality,
- Data retention,
- Verification standards,
- Cyber security safeguards, and
- Ethical limitations on AI usage.



3. Digital Ethics Guidelines

The Bar Council of India should issue detailed guidelines governing AI-assisted legal practice. These guidelines may clarify professional duties relating to competence, verification, and confidentiality.

4. Specialized Training and Digital Literacy

Legal education institutions should incorporate AI literacy and digital ethics into law curricula. Advocates and judicial officers must understand both the capabilities and limitations of AI technologies.

5. Comprehensive AI Legislation

India may eventually require a dedicated statutory framework governing AI accountability. Such legislation should define the responsibilities of AI developers, users, and institutions while ensuring adequate protection for constitutional rights, privacy, and procedural fairness.

VIII. Conclusion

Artificial Intelligence is rapidly becoming an integral part of modern legal practice. While AI systems offer efficiency, accessibility, and cost-saving advantages, they also create substantial risks when relied upon without adequate human supervision. AI hallucinations capable of generating fabricated legal authorities may mislead courts, undermine professional ethics, and weaken public confidence in the justice delivery system.

Although India does not presently possess a comprehensive legal framework specifically addressing AI-generated legal misconduct, existing principles under the Advocates Act, Bar Council Rules, constitutional jurisprudence, and privacy legislation provide a meaningful basis for accountability.

The constitutional values of fairness, dignity, privacy, and procedural integrity remain central even in technologically advanced legal systems. Advocates cannot avoid professional responsibility by attributing errors to automated systems because the ultimate duty of verification and ethical compliance remains human. The future of AI in law should therefore not be viewed as a conflict between technology and professional ethics. Rather, the challenge lies in developing regulatory safeguards that permit innovation while preserving the integrity of the legal profession and the administration of justice.

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