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RE-EVALUATING THE BAR COUNCIL OF INDIA'S PROFESSIONAL CONDUCT RULES FOR MANAGING UNVERIFIED AI GENERATED LEGAL SUBMISSION: INSIGHT FROM BOMBAY HC JUDGEMENT

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Abstract

The use of Artificial Intelligence in legal practice is becoming more common. This can make processes faster and cheaper. However, it also creates significant issues because Artificial Intelligence can generate information that lawyers might use in court. The Bombay High Court made a decision in the case of *Deepak s/o Shivkumar Bahry v. Heart & Soul Entertainment Ltd.*¹ the court stated that lawyers must ensure the information they use is accurate, even if it comes from artificial intelligence. This situation reveals a significant gap in the Bar Council of India Rules on professional conduct and duties towards the court. These rules were created before the rise of AI, so they do not directly address the responsibilities of advocates when using AI tools

This paper looks at whether the current rules for lawyers in India are good enough to deal with the problems caused by Artificial Intelligence. It says that the rules need to be updated to include something called AI Governance. This means that Advocate have to be careful when using Artificial Intelligence and make sure the information it gives them is correct. It also looks at what happened in the Bombay High Court case and how it affects the rules for lawyers. It says that the rules need to be changed to make sure lawyers are using Artificial Intelligence in a proper way.

Keywords: Artificial Intelligence, legal ethics, Bar Council of India Rules, unverified AI submissions, professional misconduct, Bombay High Court, AI diligence

Introduction

In this digital era, Advocates are increasingly relying upon generative AI tools like Chat GPT for their research and drafting legal documents. These days Advocates use all forms of AI tools

¹ AIR 2026 Bom 99.

to help out with their work. Using AI tools is not just an option it is expected. Many of the advocates and firms tell their interns that using AI helps them work fast and more competitive. It is correct in lot of ways using AI tools save time spend in research work and make it easier to find information But, entirely relying upon AI tools can also open doors to mistakes.

For example Generative AI tools create fake legal rules and entirely invented judgement that do not exist Artificial Intelligence is doing legal work faster, everyone in this digital era adopt these tools but not every advocates really know how to use them safely. This will create risks of errors or misconduct. When AI produces fake case laws or wrong citations it's not embarrassing but also threaten a lawyer reputation if they use as it is in court without verification.

The dangers of such reliance became visible in the Bombay High Court's judgment in *Deepak s/o Shivkumar Bahry v. Heart & Soul Entertainment Ltd.*² In this case, AI-generated content was used to support legal submissions, but the alleged precedents were entirely invented case that do not exist. The Court not only rejected these submissions but also imposed monetary costs, The judge said that it is the duty of advocates to verify authorities it, not on the technology they choose to employ. This judicial response mirrors similar developments in other jurisdictions where court issued notice to frame ethical guidelines on the use of generative AI in legal practice.

In India, the main rules for lawyers come from the Bar Council of India particularly Part VI, Chapter II, which sets out the "Standards of Professional Conduct and Etiquette"³. The rules require lawyers to be honest, not mislead the court, and maintain the profession's respectability. However, they do not provide clear guidance on using AI or other digital tools. If a lawyer uses AI, they remain fully responsible for ensuring that what they present to the court is true and accurate. This raises important questions. Are our existing ethical rules sufficient to manage the risks brought by AI? Or do we need to make changes that focus specifically on how lawyers should use AI, with non-compliance resulting in penalties? This term paper addresses that question by examining the relationship between AI, legal ethics, and professional responsibility in India.

It situates the Bombay High Court's intervention within the existing legal-ethical framework, it explores whether existing rules are enough, where the gaps lie, and argues that it's time to make AI Governance a core duty for lawyers.

² Ibid.at1.

³ Bar Council of India, Rules, Part VI, Chapter II.

Review of Literature

Integrating existing context with academic analysis. The literature surrounding AI in the legal field highlights an efficiency vs. ethics paradox. Scholars and courts increasingly recognize that while AI tools aid research, they lack human legal judgment. Global literature, such as the U.S. case of **Mata v. Avianca**⁴, serves as a comparative baseline for the hallucination risks discussed in Indian scholarship. Existing literature on the BCI Rules emphasizes that their 1960s/70s drafting context creates a digital vacuum where current standards of good faith and Fair dealing must be re-evaluated to prevent the dumping of unverified material in courts.

Research Objectives

1. To examine the risks posed by unverified AI-generated legal content to the integrity of judicial proceedings and the administration of justice in India.
2. To analyze the existing Bar Council of India Rules on professional conduct and duties towards the court to determine whether they adequately regulate advocates' use of AI tools in legal practice.
3. To study the Bombay High Court decision as a leading Indian precedent on AI misuse in court filings and to derive the implicit ethical expectations articulated by the Court.
4. To identify doctrinal and practical gaps in the current ethical framework with respect to unverified AI submissions that mislead or risk misleading the court.
5. To propose "AI diligence" as a mandatory component of professional competence, and to suggest amendments and guidelines that can be incorporated into the BCI Rules, continuing legal education, and judicial practice.

Research Questions

1. What are the specific procedural and ethical risks do advocates face when using unverified AI-generated submission in court?
2. Do the current Bar Council of India Rules, clearly address the misuse or careless use of AI ?
3. How does the Bombay High Court, in *Deepak s/o Shivkumar Bahry v. Heart & Soul Entertainment Ltd.*, traces the professional duties of advocates who blindly rely on AI-generated submissions?

⁴ SDNY.2023 678F.Supp.3d 443

4. Can traditional duties like the duty not to mislead the court, the duty of candor, and the duty of competence be understood to include AI diligence? Or do we need a clear amendment for better understanding and enforceability?
5. What form should “AI diligence” obligations take in the Indian context, and how can they be effectively implemented without unduly burdening advocates?

Research Methodology

The Methodology uses in this paper is doctrinal and policy oriented. It looks at the legal materials, such as statutes and case laws and also some secondary sources, such as scholarly articles and reports on Artificial Intelligence in legal practice.

The paper analyzes the Bar Council of India Rules provisions that relate to duties towards the court and the avoidance of misleading submissions. This paper refers Bombay High Court judgement in *Deepak s/o Shivkumar Bahry v. Heart & Soul Entertainment Ltd.* as a central case study and examine the language, reasoning and imposition of cost to draw out the expectation placed upon advocates while using AI.

The paper also examines the opinions and guidelines from foreign bar associations, such as those in the United States and Europe on the responsible use of Artificial Intelligence by lawyers. These materials provide a framework for how lawyers can use Artificial Intelligence. Qualitative and non-empirical research methodology used in this paper. There is no surveys or interviews are conducted for this paper. This paper moves beyond just describing current laws it evaluates whether those rules are actually working in this AI era and suggests how they could be improved. The analysis is based on the realities of the Indian legal landscape, considering how law students are trained, the day-to-day challenges lawyers face and the essential elements required to uphold public confidence in our judicial system

Legal and Policy Framework

India's ethical guidelines, the Bar Council of India Rules, 1975 (Advocates Act S 49(1)(c) resides in Part VI, Chapter II: Standards of Professional Conduct and Etiquette.⁵

Rule	Core Duty	AI Application	Gaps
Rule 1	Uphold dignity; act in good faith	Bars unverified AI dumps	No verification protocols.

⁵ Supra note3 at4.

Rule	Core Duty	AI Application	Gaps
Rule 13	No untrue facts	Hallucinations Misrepresentation	"Knowingly" is ambiguous for AI
Rule 14	True, concise pleadings	Requires AI output audits	Silent on disclosure
Rule 15	No suppression of material.	Demands balanced AI research	Ignores AI biases

Bar Council of India 2023 legal tech advisory reinforces that AI tools aid not replace duties. However, Bombay HC judgement exposes deficits⁶ (i) specificity lack risks inconsistent enforcement (ii) no uniform training (iii) non-binding without Supreme Court elevation.

Case Analysis: Deepak s/o Shivkumar Bahry v. Heart & Soul Entertainment Ltd.

In this case the petitioner cited unverified case laws in their submission, where the court registry conducted useless investigation to find “Phantom” authorities. This case shows how India handled this matter and imposed monetary fine ₹50,000 for unverified AI submissions. Justice Milind Sathaye establish essential principles which states that AI tools are beneficial for efficiency but it needed a complete human verification because machine used probable pattern to give result without any legal expertise.

The court stated that if advocate “dump irrelevant or non-existent material” it violates the responsibility of advocate must fulfil as officers of the court according to Bar council of India rules. Court by exercising its inherent power under order 35B and section 151 of CPC the court imposed. The court establish that it is the legal duty of the party to reveal all the information because if it fails to do so it creates misleading evidence that hinder the judicial proceedings This case established a legal precedent which create an impact on the upcoming Supreme Court regulations that address use of AI in the court.⁷

⁶ Legal Tech and AI in India, (2023) Legasis Blog, available at https://legasis.in/legal-tech-and-ai-in-india-blog/#:~:text=Some%20emerging%20regulatory%20frameworks%20include:%20**DPDP%20,legal%20tech%20while%20preserving%20core%20ethical%20duties (last visited Apr. 16, 2026).

⁷ Deepak, supra note1, at5.

Critical Evaluation

AI does not think like a human, it generates text on algorithmic basis. Most of the time when we use AI it generates non- existed cases and also oversimplify the provisions of law which deviates its meaning. If advocates incorporate these types of cases in their submission without verification they risk presenting fake case laws, wasting judicial time, and reducing public confidence in the justice system.

The current BCI Rules provide a moral foundation, but they lack specificity in an era of rapid technological growth. Relying purely on general clauses has drawbacks, advocates may claim their responsibility vanished because the machine produced the content.⁸ Disciplinary bodies find it harder to distinguish between negligent and acceptable use of Artificial Intelligence without specific guidelines. It reinforces the importance of “AI diligence” as an instance of competence.

Scope and Limitations

This paper is limited to the ethical behavior of lawyers in India through the Advocates Act and BCI Rules. This study aims to assess how Generative AI affects the obligation of candor towards the court. This is a qualitative and non-empirical paper. There was no survey among the 1.7M lawyers regarding their usage of AI technology. Digital inequality between rural lawyers becomes another limitation in implementing the reform plan.

Suggestions

1. Risks of Unverified AI Submissions

AI tools, particularly large language models it might be possible to do not understand law like human beings, they generate text based on statistical patterns. When we used AI for legal drafting, It may create non-existent cases and provisions or oversimplify complex legal principles. If advocates adopt such outputs without verification, they risk:

Presenting fake case law or twisted legal principles to the court.

Wasting judicial time as investigating phantom case references which prove to be non- existent
It reduces the credibility of the advocate and also public confidence towards advocates and in the legal system.

In extreme cases, repeated or grossly negligent use of unverified AI material could amount to professional misconduct, as it reflects a serious dereliction of the duty of diligence and honesty.

⁸ Bar Council of India Rules, 1975, Part VI, Ch. II, R. 1.

The Bombay High Court's decision illustrates that courts are no longer willing to treat such lapses as innocent mistakes; instead, they may respond with costs or stronger sanctions to send a deterrent message.⁹

2. Adequacy of Existing BCI Rules

The current Bar Council of India Rules require advocates to act with dignity, not to mislead the court, to maintain a respectful and good relationship with the bench, and to uphold the interests of justice. These obligations are framed broadly and are not limited to any particular technology or research method. On one interpretation, this breadth is a strength even if AI tools did not exist when the Rules were framed, the principle that an advocate must not present false authorities is timeless, regardless of how those authorities were obtained.¹⁰

Relying purely on general clauses has drawbacks. First, many advocates may not know that using AI tools without verification can itself be a breach of these general duties. They might assume that if the machine produced the content, their responsibility is somehow vanished. Second, disciplinary bodies and courts may find it harder to incorporate consistent standards for what constitutes negligent versus acceptable use of AI without more specific guidelines. Third, the absence of explicit references to AI and technological competence may cause to uneven awareness and training between urban and rural practitioners across the bar.

Therefore, the existing Rules provide a moral and doctrinal foundation but, they lack the specificity and proper knowledge about the use of technology in an era of rapid technological growth.

3. Reading the Bombay High Court Judgment as Ethical Guidance

In *Deepak s/o Shivkumar Bahry v. Heart & Soul Entertainment Ltd.*¹¹ the Bombay High Court treated the use of AI-generated submissions not as an innovation to be celebrated uncritically. As a tool that must be handled with professional responsibility. By imposing costs for AI contents the Court effectively communicated several ethical expectations: Any tools used by the advocates the duty of verification remains with themselves; they cannot deny. Courts rely on advocates to authenticate the material they present before the bench. AI may be used as a helping tool in research and drafting. It cannot take responsibility from advocate for legal review.

This judgment thus serves as a de facto ethical guideline, even in the absence of formal AI-specific rules from the BCI. It signals that courts will likely measure advocates' conduct against

⁹ *Deepak v. Heart & Soul Entertainment Ltd.*, AIR 2026 Bom 99.

¹⁰ *Supra* note 8 at 7.

¹¹ *Deepak*, *supra* note 1 at 7.

a standard that assumes awareness of AI's limitations and demands a reasonable verification process.

4. The Case for Explicit AI Diligence

While one could argue that existing duties implicitly cover AI-related conduct, there are strong reasons to codify "AI diligence" expressly. If we have proper provisions it reduces ambiguity and advocates treat AI output merely as a draft, not an authoritative research, ensuring that every legal claim is independently validated to maintain the strict duty of care and avoid accusation of avoidance.

Incorporating AI in the Rules obliges law schools, Bar councils, and training institutions to incorporate AI ethics into curriculum and continuing legal education. Codified standards provide a reference point for disciplinary authorities and courts to decide cases involving AI misuse.

AI diligence can be conceptualized as a specific application of the general duty of competence. It would require advocates to understand, at least at a basic level, the limitations of AI tools, including the risk of hallucinations and biases. Verify all AI-generated citations and legal propositions by cross-checking with primary sources such as judgments, authenticated databases, or bare acts. Avoid submitting AI-generated output as independently verified legal research and disclose that AI tools were used without breaching client confidentiality or privilege.¹²

5. Suggestions for Reform

- **Amendment to BCI Rules (Part VI, Chapter II):**

Make a rule in which it states that advocates who use AI or other digital tools are responsible for the accuracy and authenticity of all submissions.

Introduce that if any advocate uses unverified AI-generated material that misleads or is likely to mislead the court, it may amount to professional misconduct.

- **Guidelines on AI Use:**

The BCI, in consultation with the Supreme Court, High Courts, Judges, and bar associations, should issue detailed ethical guidelines on the use of AI in legal practice.¹³

- **Judicial Practice Directions:**

Bar council may frame practice directions stating that counsel who completely rely on AI-

¹² Deepak, *supra* note 1 at 8.

¹³ Gummadi Usha Rani v Sure Mallikarjuna Rao, AIR 2026 SC 7575.

generated submissions must ensure the authenticity of authorities and may be required to cross-checked that citation.

Repeated misuse of AI may be reported to the Bar Council of India for disciplinary action.

- **Law School Curriculum:**

Compulsorily introduced AI and legal ethics modules into LL.B. and LL.M. Programme focusing on both advantages and disadvantages of AI in advocacy. This will help upcoming lawyers to develop a knowledge about the responsible technologies like Artificial Intelligence. These steps collectively operationalize “AI diligence” not as an abstract slogan but as a concrete enforceable dimension of professional competence.¹⁴

Conclusion

The use of Artificial Intelligence in legal practice become very helpful and beneficial. If used properly, AI can make legal information easier for people to access, reduce the time and cost of research, and allow advocates to focus on client counselling and important matters like planning cases. On the other hand if you don't use Artificial Intelligence carefully it gives wrong information, fake cases and waste the court time and also harm the trust of people in the justice delivery system.

The decision of the Deepak s/o Shivkumar Bahry v. Heart & Soul Entertainment Ltd. by the Bombay High Court clearly shows this problem in India and Court punished the use of unverified AI-generated content and made it clear that technology cannot be used as an excuse for careless work done by advocates. Even though the Bar Council of India Rules were made before AI became common, they still have important values like honesty, careful work, and respect for the court. Artificial Intelligence is new and has its own risks, there is a need to update these rules in legal framework that clearly addresses modern technology.

¹⁴ AI made a legal mistake, (2023) The Barrister Group Blog, available at <https://thebarristergroup.co.uk/blog/ai-made-a-legal-mistake> (last visited Apr. 16, 2026).