



TAXLAWSCOPE

—Adv. Harima Hariharan

M-AI-D of honour or AI-d of horror

Law and Technology has been at logger heads often for the reason when technology marches forward the law would lag behind and when law prescribes four corners for its operation, technology wouldn't be able to breakthrough. This paradox has been discussed and debated and has elaborately been addressed several times by judiciary themselves.

Of late, we are facing a completely new challenge while integrating law and technology and this time in the context when a human brain is substituted with an AI brain for faster data analysis, faster research, faster drafting and all other assistance in preparing briefs and arguments. But fast does not always mean correct. And AI, much like human beings, can hallucinate.

Though it is true that the AI brain knows no limits in terms of content it can hold and process and give a convincing output in the blink of an eye, whether it has the right to 'err' and if it 'errs' whether we can substitute the proverb 'to err is human' with 'to err is common' and to forgive is divine to be read as 'to forgive is judicious'.

Let us have a glimpse at the judicial approach during the toddler years of AI- Law integration and common errors noticed:



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Error of quoting non-existent case laws:

Recently, the Delhi High Court in the case of **J M Jain Prop. Sh. Jeetmal Choraria v. Union of India & Ors. [TS-974-HC(DEL)-2025-GST]** called out GST Department for having produced counter to a Writ Petition citing non-existent case laws, which were found to be AI-generated. Coordinate Bench of Bombay HC in **KMG Wires Private Limited v. The National Faceless Assessment Centre, Delhi and Ors. [2025:BHC-OS:19789-DB]** also had to deal with Respondent Income Tax Department citing non-existent case laws obtained through AI. Court criticised the Respondents therein and stated that:

" when one is exercising quasi judicial functions, it goes without saying that such results [which are thrown open by AI] are not to be blindly relied upon, but the same should be duly cross verified before using them."

On 25th September 2025, Delhi High Court directed withdrawal of a Civil Miscellaneous Appeal filed by a Greenopolis Welfare Association, due to reasons among which the prominent one was that *"some of the judicial precedents cited on behalf of petitioner do not even exist, and in some of the precedents, the quoted portions do not exist."* [Source: The Print, "Don't rely on AI, Google mid-argument, Punjab and Haryana HC warning divides legal practitioners", 06-10-2025]



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Error of quoting non-existent citation/wrong citation:

In the same case of **J M Jain**, upon realising that one of the citations belonged to some other irrelevant case, and another citation was non-existent, the Court warned the Respondents that all should be aware that AI is not fool-proof, it can make mistakes, and it can hallucinate as well. While acknowledging that AI's support can be helpful in analysis of evidence, preparation of summaries, etc. subject to proper verification, Court warned Government departments to be very careful while citing judicial precedents, especially if they have been produced or accessed through any AI software, as there is possibility of AI hallucinating and giving such fake judgments and fake citations.

The Supreme Court of India has, on 27th November, 2025, agreed to look into a claim that a rejoinder filed one Gstaad Hotels Bengaluru promoter Deepak Raheja before NCLAT contained over a hundred fake or AI-generated case citations. The Bench of Justices Dipankar Datta and Augustine George Masih took note of the allegations and observed that if the citations were indeed fictitious or AI-generated, the Court would *"put the appellant to task."* The matter will be taken up again on 8th December 2025. If the Supreme Court is amused by the said problematic rejoinder, we might get interesting observations from the Court related to using AI in legal submissions. [Source: Business Standard. Com, *"Supreme Court agrees to hear case involving fake AI-generated case laws"*, 28-11-2025]



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In an Intellectual Property matter in ***Christian Louboutin SAS and Anr. v. M/s The Shoe Boutique [CS(COMM) 583/2025]*** before the Delhi High Court, the Plaintiff had tried to rely on responses from ChatGPT as the basis of their arguments. The Court had refused to entertain such arguments and had noted that:

"The response of a Large Language Model (LLM) based chatbots such as ChatGPT, which is sought to be relied upon by Ld. Counsel for the Plaintiff, depends upon a host of factors including the nature and structure of query put by the user, the training data etc. Further, there are possibilities of incorrect responses, fictional case laws, imaginative data etc. generated by AI chatbots. Accuracy and reliability of AI generated data is still in the grey area."

It may be noted that this is not an exclusively Indian problem. Even high-profile law firms citing defective and non-existent citations based on AI-generated information, was seen in many parts of the world. For example, A federal judge in Colorado ruled that a lawyer for MyPillow Inc., filed a brief containing nearly 30 defective citations as part of a defamation case against the company and founder Michael Lindell. [Source: The Hindu, *"Mistake-filled legal briefs show the limits of relying on AI tools at work"*, October 31, 2025]



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On the other side of these happenings, the Supreme Court of India is already using Artificial Intelligence (AI) and Machine-based Learning (ML) tools to transcribe oral arguments in Constitutional Bench matters, to translate Supreme Court judgments from English language to 18 Indian languages, to identify defects in Petitions before it [Source: Written reply filed before Lok Sabha on 25th July 2025 by Arjun Ram Meghwal, the Minister of State (Independent Charge) and the Ministry of Law and Justice and Ministry of Parliamentary Affairs]. The Minister's reply also mentioned that an AI-based tool Supreme Court Portal Assistance in Court Efficiency (SUPACE)- aimed at developing a module to understand the factual matrix of cases with an intelligent search of the precedents apart from identifying the cases, is in an experimental stage of development.

What when, in the chambers of judiciary, a curious mind would ask an AI, given the facts and circumstance and laws the decision should weigh in whose favour. What if answer of AI is more objective and a judicious mind in an urge to raise above subjective limitations wish to overlook his conclusion and adopt a more rational one. Can an AI, be replacement for a Judge whose role has been beautifully stated by Justice Benjamin Cardozo as creative lawmakers, not just rule-appliers, tasked with balancing precedent with evolving societal needs, using logic, history, custom, and sociology to fill gaps in legislation and remake law interstitially for justice, acting as "artists" who mould law through careful reasoning to serve social welfare while maintaining continuity



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Before Parting:

If the omens are to be believed and impact so far has to be analysed to form a conclusion, whether AI is a boon or bane is for the future to decide. But as it becomes a part of our legal system, whether its use and reliance have to be restricted as an effective tool or aid or to be given a space to be a 'replacement' is the question. If law is to be considered as a living organism, it can grow and flourish organically to serve the intended purpose only when supplied with ingredients biological to its growth. The biological factor from all sides are humans – whether as litigant, lawyer or judge. Therefore, it is the wishful thinking that AI should always be only a handmaid and not a threat to the legal eco system.