

DECLARATION

Declaration on Responsible AI Use in Indian Legal Practice

Shivam Shukla
Advocate, Allahabad High Court

March 2026

WHEREAS recent judicial observations, including in SLP(C) 7575/2026 (27 February 2026) and the White Paper on Artificial Intelligence and the Judiciary (November 2025), have drawn attention to the use of AI-generated material in legal proceedings and its implications for professional responsibility;

WHEREAS the cognitive mechanisms by which fluent AI output can suppress the independent verification and judgment required of every advocate have been examined in the accompanying analysis, System 1 Lawyering: The Cognitive Risk of AI-Assisted Legal Work and the Necessity of Structured Supervision;

AND WHEREAS these principles reflect the application of existing duties of diligence, verification, and independent judgment in the context of AI-assisted work;

The following principles are declared as essential to the discharge of professional obligations in the context of artificial intelligence. This Declaration articulates baseline principles; operational guidance is set out in the annexed Framework.

1. Presumptive Status of AI Output

All AI-generated content shall be treated as presumptively unverified and unreliable until subjected to independent human verification against primary sources.

2. Non-Delegable Authorship Responsibility

The advocate bears complete and non-delegable authorship responsibility for every submission, argument, and citation filed or relied upon in any proceeding.

3. Mandatory Independent Verification

Verification of citations, statutory provisions, and legal analysis constitutes a core professional duty that cannot be outsourced to any technological system or platform.

4. Platform Independence

Professional standards governing the use of artificial intelligence apply uniformly across all tools and models and are not tied to the features or verification mechanisms of any specific platform.

5. Preservation of Professional Judgment

All strategic, doctrinal, and tactical judgments must remain the product of the advocate's independent analysis. AI systems may assist in research or drafting but cannot substitute for the advocate's cognitive engagement.

6. Disclosure and Structured Supervision

Where the use of artificial intelligence is material to the preparation of a submission, the advocate may disclose such use and confirm compliance with a structured supervisory protocol ensuring independent verification and judgment at every material stage.

These principles do not restrict the use of artificial intelligence. They govern it in a manner consistent with long-standing professional obligations that pre-date and will survive every technological development.

This Declaration may be adopted, adapted, or incorporated by courts, Bar Councils, and individual advocates.

PART II**Operational Framework Annex***Supervised Intelligence Method (SIM) — Cognitive Protocol for AI-Assisted Legal Practice*

The following framework translates the above principles into a structured supervisory method. It operates not as a technical feature but as a cognitive intervention that forces deliberate, effortful engagement at each stage where professional judgment is required. This Annex is platform-independent and may be applied regardless of the AI system, model, or tool in use.

The Five Stages**Stage 1 — Legal Framing (Human Only)**

The advocate alone defines the precise legal question and analytical framework before any AI system is engaged. This pre-commits the advocate's independent judgment and prevents AI-generated structure from becoming an anchor that shapes all subsequent analysis.

Stage 2 — Pattern Expansion (AI-Assisted)

AI may be used to generate initial research, summaries, or draft language. All such output is designated presumptively unverified. This explicit presumption creates the cognitive friction necessary to prevent automatic acceptance of AI-generated material as reliable.

Stage 3 — Doctrinal Reconstruction (Human-Dominant)

The advocate shall not rely solely on editing within AI-generated structure; the advocate's independent analytical framework must be established and control the final submission. The advocate applies legal reasoning to candidate materials, reconstructs the doctrinal argument, selects which authorities to rely on, and determines how the law applies to the specific facts.

Stage 4 — Verification (Human Only)

Every citation, statutory provision, and material fact must be independently located and read in the primary source—the official reporter, the enacted text, or the authorised database. Partial verification or platform-assisted verification does not satisfy this obligation. Verification of authorities and verification of statutory provisions are treated as separate professional duties.

Stage 5 — Strategic Judgment (Human Only)

All decisions on which arguments to advance, how to sequence them, what tactical concessions to make, and what relief to seek remain exclusively with the advocate. AI output presents material at equal weight; professional judgment imposes strategic hierarchy based on the advocate's knowledge of the court, the bench, and the client.

Accountability Reference Template (ART)

Four questions an advocate must be able to answer before submitting any AI-assisted work product—and before challenging an opponent's:

Step 1 — Framing Diligence

“Did I personally identify the legal issue and formulate the approach before engaging AI?”

Step 2 — Supervisory Adequacy

“Did I maintain meaningful oversight of AI-generated content throughout the process?”

Step 3 — Verification Completeness

“Did I independently verify every citation, fact, and legal proposition?”

Step 4 — Judgment Independence

“Did I exercise independent professional judgment in final strategic decisions?”

Verification Protocol

The following steps constitute the minimum verification required for any AI-assisted submission:

- (a) Locate each cited judgment or statutory provision in the official reporter or enacted text.
- (b) Read the ratio decidendi or relevant section in full.
- (c) Confirm that the authority supports the proposition for which it is advanced.
- (d) Note any overruling, distinguishing, or subsequent legislative development.
- (e) Maintain reasonable records of verification consistent with professional practice.

SAMPLE AI USAGE DECLARATION CLAUSE

“The undersigned advocate certifies that (a) artificial intelligence was used in the research and drafting stage of this submission, (b) all AI-generated content has been subjected to independent verification in accordance with the Declaration on Responsible AI Use in Indian Legal Practice dated March 2026, and (c) the advocate accepts full authorship responsibility for the final content.”

Application Notes**GST Attachment and Bank Freeze Matters**

Stage 1 framing must precede any AI summary of attachment orders. The legal question—whether the attachment is authorised under the specific statutory provision and whether procedural requirements have been met—must be identified by the advocate independently.

Aadhaar Denial and Welfare Exclusion Writs

Stage 4 verification must include the full text of the Aadhaar Act and the latest UIDAI circulars. AI systems may summarise regulatory changes but the advocate must confirm the current state of the law against authorised sources.

Algorithmic Administrative Orders

Stage 5 strategic judgment must address natural justice and Article 14 independently of AI suggestions. The advocate’s argument on arbitrariness, lack of reasons, and absence of a named decision-maker must be constructed from the advocate’s own analysis of the constitutional framework.

This Framework is offered as assistive material in light of the governance gap identified in recent judicial observations and the Bar Council’s ongoing consideration of AI-related professional standards. It is platform-independent and may be adopted, adapted, or incorporated by courts, Bar Councils, and individual advocates without restriction.

This document is an independent professional contribution. It does not constitute legal advice or professional engagement. The principles articulated herein reflect the application of existing professional obligations in the context of AI-assisted legal work.

© 2026 Shivam Shukla. All rights reserved. This document may be cited, reproduced, or adapted for institutional adoption without restriction, provided attribution is maintained.