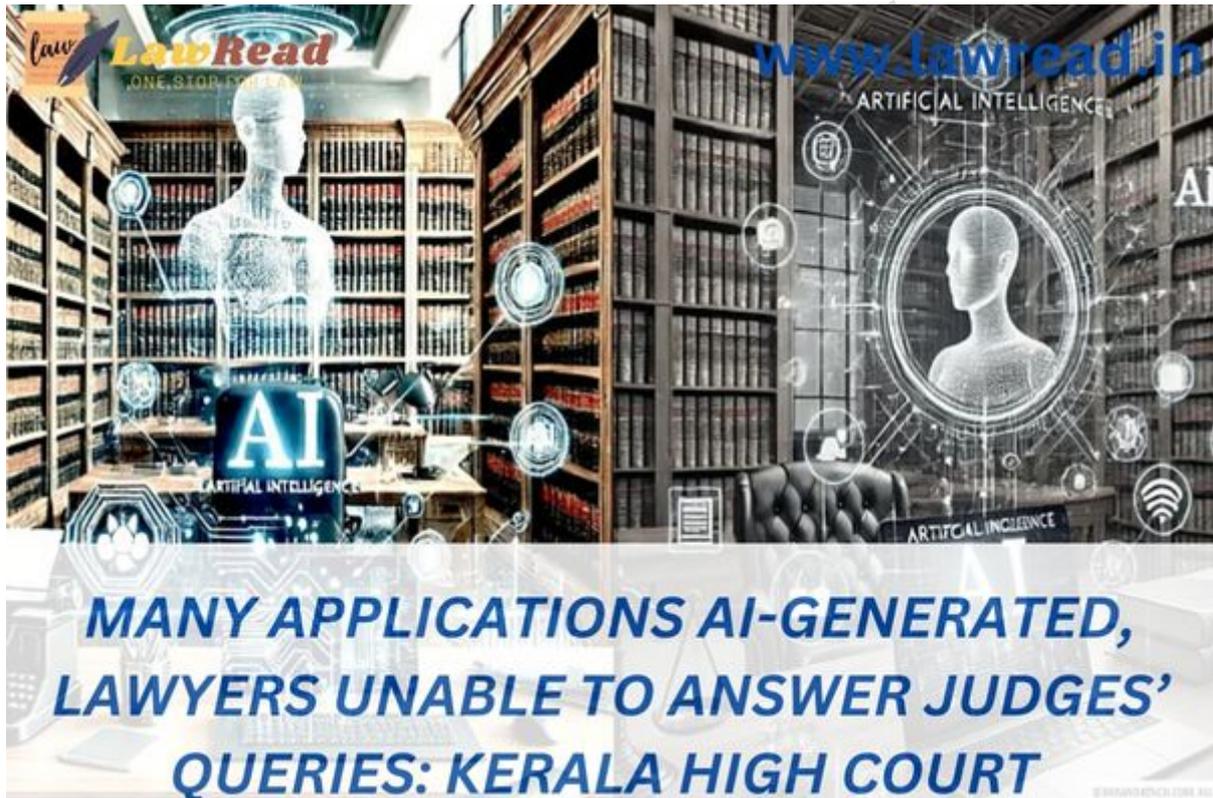


News

Many applications AI-generated, lawyers unable to answer judges' queries: Kerala High Court



The Court made the observation in context of petitions concerning financial cyber fraud.

The Kerala High Court has flagged the lawyers' growing reliance on AI tools to draft petitions without proper legal study [Blue Star Aluminium & Door House v The Federal Bank Ltd and anr]

Justice MA Abdul Hakhim said that when lawyers draft their petitions using AI platforms, they are often unable to answer the questions put to them by the judges.

"It appears that some of the Writ Petitions are AI-generated and do not contain the basic material facts. Instances are several where the Advocates are not even able to answer or explain the questions put to them by this Court with reference to the pleadings in the Writ Petitions," the Court added.

The Court made these statements while dealing with a petition seeking de-freezing of a bank account.

The judge noted that every day, the Court deals with nearly 200 cases involving financial cyber fraud with respect to bank accounts.

"I understand from the Registry of this Court that it is under this subject that the highest number of cases are filed in this Court, which necessitated the constitution of a new subject roster for the listing of cases," the Court said.

Highlighting various gaps in the pleadings of these petitions, the Court said that most of them are brought through young members of the Bar.

"In most of the Writ Petitions, the prayer of the Petitioner is to de-freeze his account, saying that he has no involvement in the alleged crime, that he got part of the amount involved in the crime out of a genuine business transaction without knowledge of the crime. Surprisingly, in most of the Writ Petitions, the details of such a genuine transaction, or even the nature of the business of the petitioner, are not mentioned," it noted.

Further, the Court said that many writ petitions are filed by people who have just crossed the majority.

"In several cases, Banks report huge numbers of transactions involving Crores of Rupees within a short span after opening the accounts, which do not match the details furnished to the Banks by the Account Holders," it added.

The Court also voiced concern over the lack of cooperation in these cases from investigating agencies, especially those outside Kerala.

"In most of the cases filed in this Court, the Requisitioning Authorities beyond the

State of Kerala do not reply to the notices issued to them by this Court in the Writ Petitions. This Court can consider only the pattern of the deals to decide the cases. This Court will not be in a position to identify the wrongdoers and the victims of the cyber frauds without the help of the Requisitioning Authorities," the bench said.

In this context, the Court revealed that it recently received a letter from a person in jail saying that a plea was filed in his name without his knowledge and consent. It, thus, noted that the Court's jurisdiction was being misused.

"This Court believes that the jurisdiction of this Court is being misused by the persons regularly involved in financial cyber fraud, even without knowledge of the Petitioners shown in the Writ Petition, by producing forged documents," the bench said.

Thus, the Court found it necessary to issue a general order that petitioners implead their area Station House Officers (SHOs) in all petitions related to de-freezing of bank accounts, to ensure that the petitions are not filed by imposters.

"The Registry of this Court is directed to ensure that the SHO of the Police Station which covers the area of the Petitioner's address is made a party in all the Writ Petitions pertaining to the de-freezing of accounts, before numbering the same, until further orders," the Court directed.

Following the order, the Kerala High Court Advocates' Association (KHCAA) President Yeshwanth Shenoy has taken issue with the observations and the procedural directions passed in the order and wrote a letter to the High Court Chief Justice.

In the letter, Shenoy voiced concern about the remarks against young lawyers. He also questioned the legality of prescribing extra procedural requirements through judicial orders.

Such directions could impact access to justice and run contrary to the established precedents governing High Court process, the KHCAA President said