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AI-GENERATED EVIDENCE AND ADMISSIBILITY UNDER THE INDIAN EVIDENCE ACT

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Abstract

Artificial Intelligence (AI) is rapidly becoming an important part of modern society and is now influencing the legal system as well. From facial recognition technology and automated forensic analysis to deepfake videos and AI-generated audio recordings, digital technology has changed the nature of evidence used in courts. Indian evidence law was originally framed when traditional forms of evidence such as oral testimony and paper documents were more common. However, the growth of AI-generated content has created new legal and ethical challenges regarding authenticity, reliability, and admissibility.

This paper examines the concept of AI-generated evidence and its admissibility under Indian law. It discusses the provisions relating to electronic evidence under the Indian Evidence Act, 1872 and the Bharatiya Sakshya Adhiniyam, 2023. The paper also analyzes important judicial decisions related to electronic evidence and highlights challenges such as deepfakes, manipulation of digital records, lack of transparency in AI systems, and absence of specific legal regulations in India. Further, the paper suggests reforms including stronger authentication procedures, technical expert assistance, judicial training, and stricter regulation of deepfake technology.

In my opinion, AI can become a useful tool for improving investigation and judicial efficiency, but excessive dependence on machines without proper human supervision may create serious risks for justice delivery.

Keywords: Artificial Intelligence, Electronic Evidence, Deepfakes, Bharatiya Sakshya Adhiniyam, Indian Evidence Act, Digital Evidence, Admissibility.

Introduction

Technology has developed rapidly in the last few years, and Artificial Intelligence has become an important part of everyday life. AI is now used in social media platforms, banking systems, healthcare, online shopping, and even education. Gradually, it has also entered the legal and investigative field.

Today, investigation agencies use AI tools for facial recognition, cybercrime detection, data analysis, voice recognition, and automated forensic examination.

For instance, cybercrime units often use AI-based systems to track suspicious online activities, detect fake accounts, and analyze large amounts of digital data much faster than manual investigation methods.

Because of this technological development, an important legal question arises regarding whether AI-generated evidence can be accepted before courts and under what conditions such evidence should be considered reliable.

Traditionally, Indian evidence law mainly focused on oral evidence, documentary evidence, and witness testimony. However, digital technology has changed the nature of modern evidence. Nowadays, videos, audio recordings, emails, CCTV footage, and social media content are frequently used during investigations and court proceedings.

At the same time, AI technology has created serious concerns because fake digital content can now appear extremely realistic. Deepfake videos, AI-generated voice recordings, and edited photographs are often difficult to identify even by experts.

In my opinion, this is one of the biggest challenges for the legal system today because courts depend heavily on trustworthy evidence while delivering justice.

As a law student, I personally feel that technology is developing much faster than legal awareness among ordinary people. Many individuals easily believe digital content without checking whether it is genuine, which

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can become dangerous in legal disputes and criminal investigations.

This research paper examines the concept of AI-generated evidence, its admissibility under Indian law, important judicial decisions, challenges associated with such evidence, and the need for legal reforms in India.

Research Methodology

This paper is primarily based on doctrinal research. Information has been collected from statutes, judicial decisions, books, journal articles, government reports, and online legal databases such as SCC Online and Manupatra.

The research mainly focuses on analyzing existing Indian laws related to electronic evidence and examining how those laws apply to AI-generated content.

Meaning and Nature of AI-Generated Evidence

AI-generated evidence refers to evidence that is created, processed, analyzed, or modified with the assistance of Artificial Intelligence systems.

Such evidence may include:

- Deepfake videos
- Voice cloning recordings
- AI-generated reports
- Facial recognition results
- Automated forensic analysis
- AI-created images or documents
- Chatbot conversations
- Predictive analytical outputs

Unlike traditional evidence, AI-generated evidence may not always be directly prepared by human beings. In many situations, machines themselves generate outputs after processing large amounts of digital data.

For example, if police authorities use facial recognition software to identify a suspect from CCTV footage, the software-generated result may later become part of evidence during investigation or trial.

A practical example can be seen in airports and railway stations where facial recognition systems are increasingly used for security and surveillance purposes. If such systems wrongly identify a person, it may create serious legal problems.

Similarly, AI tools can now generate fake videos in which a person appears to say or do something that never actually happened.

One thing I personally feel is that people often trust digital content too quickly without properly verifying its authenticity. Because AI technology has become highly advanced, even ordinary individuals may fail to recognize whether a video or voice recording is real or manipulated.

This creates a major challenge for courts because the reliability of evidence is extremely important for ensuring justice.

Difference Between Traditional Evidence and AI-Generated Evidence

Basis	Traditional Evidence	AI-Generated Evidence
Source	Usually created directly by humans	Created or processed with AI systems
Nature	Physical documents, oral statements, photographs	Deepfakes, voice cloning, AI analysis reports
Risk of Manipulation	Comparatively lower	Very high due to advanced digital editing
Verification	Easier to verify	Requires technical expertise and forensic tools

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Reliability	Generally more stable	May be affected by algorithmic errors or bias

This comparison shows that AI-generated evidence requires stricter safeguards because digital manipulation has become much easier in the modern technological environment.

Personally, I feel courts in future will increasingly face cases where the main dispute may revolve around whether a digital recording is genuine or AI-generated.

Types of AI-Generated Evidence Commonly Seen Today

1. Deepfake Videos

Deepfake videos are digitally manipulated videos where a person's face or voice is artificially created or altered using AI technology.

These videos can falsely show individuals speaking or behaving in ways that never actually happened.

2. Voice Cloning

AI software can now copy human voices with surprising accuracy.

Scammers sometimes misuse such technology to impersonate family members, company officials, or public figures.

For example, there have been cases where fraudsters used AI-generated voices to demand urgent money transfers by pretending to be relatives.

3. Facial Recognition Outputs

Facial recognition systems compare facial features from images or CCTV footage with stored databases.

These systems are increasingly used in surveillance, airports, and criminal investigations.

However, wrong identification may create legal and human rights concerns.

4. AI-Based Forensic Reports

Certain AI systems are capable of analyzing fingerprints, cyber data, and digital records much faster than traditional manual methods.

Such reports may later become part of legal proceedings.

Electronic Evidence under Indian Law

Electronic evidence in India was originally governed under the Indian Evidence Act, 1872, particularly Sections 65A and 65B. These provisions dealt with the admissibility of electronic records and established procedural safeguards regarding their authenticity.

At present, similar principles are incorporated under the Bharatiya Sakshya Adhiniyam, 2023.

Section 65B of the Indian Evidence Act required a proper certificate for admissibility of electronic records. The purpose behind this requirement was to ensure that digital evidence had not been altered, manipulated, or tampered with.

These principles become even more significant in the context of AI-generated evidence because digital content can easily be modified through advanced software and AI applications.

AI-generated evidence creates additional concerns because:

- digital records can be edited very easily,
- AI systems are often difficult to understand,
- deepfake technology can create realistic fake videos,
- voice cloning can imitate real persons,
- AI algorithms may produce biased or inaccurate results.

Because of these risks, courts cannot blindly rely on AI-generated material without proper verification.

In my opinion, technology should assist courts in discovering the truth, but judges should never depend completely on machines without human analysis and technical verification.

Important Judicial Decisions

1. Anvar P.V. v. P.K. Basheer

In *Anvar P.V. v. P.K. Basheer*, the Supreme Court of India clarified the admissibility requirements for electronic evidence.

The Court held that electronic evidence is admissible only when the conditions mentioned under Section 65B are satisfied. The judgment emphasized the

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necessity of proper certification because electronic records can easily be altered or manipulated.

This judgment remains highly relevant in the context of AI-generated evidence because modern AI tools can create realistic but false digital content within minutes.

Personally, I think this judgment was extremely important because it recognized the risks associated with electronic manipulation at a time when digital evidence was becoming more common.

I also feel that this case laid an important foundation for future disputes involving AI-generated evidence because modern digital manipulation techniques are even more advanced today.

2. Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal

In this case, the Supreme Court again emphasized that certification under Section 65B is mandatory for electronic evidence.

The Court observed that electronic records are highly vulnerable to tampering and therefore strict procedural safeguards are necessary.

This judgment becomes even more important today because AI-generated content such as deepfake videos and voice cloning can create serious confusion during investigations and court proceedings.

The decision strengthened the principle that authenticity and reliability are essential requirements before electronic evidence can be accepted.

3. Tomaso Bruno v. State of Uttar Pradesh

In *Tomaso Bruno v. State of Uttar Pradesh*, the Supreme Court recognized the importance of scientific and technological evidence in criminal investigations.

The Court observed that modern technology can help courts discover the truth more effectively.

This case demonstrates that Indian courts are open to accepting technological evidence, but at the same time proper caution and verification remain necessary.

In my opinion, this judgment reflects the balance that courts must maintain between technological advancement and protection of fairness in the justice system.

Challenges Related to AI-Generated Evidence

1. Difficulty in Identifying Fake Content

One of the biggest challenges today is identifying whether digital material is genuine or manipulated.

Deepfake technology can create videos in which individuals appear to speak or act in ways that never actually happened.

For example, a fake video of a public figure accepting money illegally may spread rapidly on social media and influence public opinion before proper verification takes place.

Recently, many celebrities and politicians across different countries have faced problems due to deepfake videos where their faces were digitally edited onto fake content. Such incidents show how dangerous manipulated AI-generated material can become.

Personally, I feel this is one of the most dangerous aspects of AI because false information spreads very quickly and many people believe digital content without questioning its authenticity.

2. Lack of Transparency in AI Systems

Many AI systems function through highly complex algorithms.

In some situations, even software developers cannot fully explain how the AI reached a particular conclusion.

This creates problems in legal proceedings because courts generally prefer evidence that can be properly examined, verified, and explained.

The lack of transparency may reduce confidence in AI-generated evidence.

3. Possibility of Bias

AI systems depend heavily on training data.

If the data used for training contains bias or inaccuracies, the AI system may also produce biased results.

For example, some facial recognition technologies used internationally reportedly showed higher error rates for certain communities.

If such technology is used carelessly during criminal investigations, innocent individuals may face harassment or wrongful prosecution.

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In my opinion, excessive dependence on AI without proper human supervision can become dangerous because machines may also make mistakes.

Human judgment, ethics, and common sense are still extremely important in the justice system because technology alone cannot fully understand human behavior and circumstances.

4. Easy Manipulation of Digital Evidence

Today, photographs, videos, and audio recordings can easily be edited through mobile applications and AI tools.

Traditional methods of identifying fake evidence may not always work against sophisticated AI-generated content.

Because of this, false digital evidence can easily be created and presented before courts.

This increases the responsibility of investigators, forensic experts, and judges while handling electronic evidence.

5. Lack of Specific Laws in India

At present, India does not have separate legislation specifically dealing with AI-generated evidence.

Existing provisions relating to electronic evidence provide some guidance, but AI technology is developing much faster than legal reforms.

In my opinion, Indian laws need to become more technology-oriented because future legal disputes will increasingly involve AI-generated content.

Position of AI-Generated Evidence in Other Countries

Many foreign countries are also facing legal challenges regarding AI-generated evidence.

United States

Courts in the United States have increasingly dealt with issues relating to deepfakes, facial recognition, and AI-based surveillance.

Certain states have introduced laws restricting malicious use of deepfake technology, especially during elections.

European Union

The European Union has focused strongly on ethical AI regulation and protection of privacy rights.

The proposed AI Act of the European Union aims to regulate high-risk AI systems and improve transparency.

China

China has introduced regulations requiring AI-generated content to be properly labeled in certain situations.

The country has also taken steps to regulate deep synthesis technology.

India can learn from these international developments while framing future laws relating to AI-generated evidence.

Personally, I think India should introduce balanced laws that encourage technological growth while also protecting privacy, fairness, and justice.

Importance of Digital Forensics in AI Evidence

Digital forensics plays a very important role in examining AI-generated evidence.

Forensic experts help courts determine:

- whether digital content has been edited,
- whether audio or video recordings are genuine,
- whether metadata has been changed,
- whether AI manipulation techniques were used.

Without forensic verification, it may become extremely difficult to distinguish genuine evidence from fake AI-generated material.

For example, forensic experts may study lighting patterns, voice frequencies, editing traces, or metadata to identify deepfake videos.

In my opinion, digital forensics will become one of the most important areas in future criminal investigations because technology-related crimes are increasing rapidly.

Ethical Concerns Relating to AI in the Legal System

Apart from legal issues, AI-generated evidence also creates ethical concerns.

Privacy Concerns

AI surveillance systems and facial recognition technologies may affect the privacy of individuals.

Continuous monitoring through AI tools can sometimes create fear regarding misuse of personal data.

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Risk to Fair Trial

If manipulated AI-generated evidence is presented in court, it may affect the fairness of trials.

An innocent person may suffer because of fake videos, false voice recordings, or inaccurate AI analysis.

Overdependence on Technology

Another concern is that people may begin trusting AI systems more than human reasoning.

Personally, I feel that legal systems should maintain a balance between technology and human judgment because justice involves moral and social understanding which machines cannot fully provide.

Use of AI in Criminal Investigations

Investigation agencies are increasingly using AI tools for:

- surveillance,
- cybercrime investigation,
- facial recognition,
- predictive analysis,
- forensic examination.

These technologies can save time and improve investigative efficiency.

However, complete dependence on AI systems can also create risks.

For example, if facial recognition software incorrectly identifies an innocent person as a criminal suspect, it may lead to wrongful detention or harassment.

In some foreign countries, reports have shown cases where facial recognition technology incorrectly identified innocent individuals, leading to wrongful police questioning. Such situations show why human verification remains extremely important.

Therefore, human supervision remains extremely important while using AI systems in criminal investigations.

In my opinion, AI should only assist investigators and judges. Final decisions affecting human lives should always remain under human control.

I personally feel that technology should support justice, not replace human reasoning completely. Legal decisions affect people's freedom, reputation, and future, so human involvement will always remain necessary.

Need for Legal Reforms in India

India urgently requires proper legal reforms to address challenges related to AI-generated evidence.

1. Special Guidelines for AI-Generated Evidence

Specific legal rules should be introduced regarding:

- authentication of AI-generated content,
- preservation of digital evidence,
- verification procedures,
- identification of deepfakes,
- chain of custody requirements.

2. Technical Expert Assistance

Courts should take assistance from forensic experts and technical specialists while examining AI-generated material.

This would help judges determine whether digital evidence is genuine or manipulated.

3. Training for Judges, Lawyers, and Police Officers

As technology continues to develop rapidly, judges, lawyers, and police officials should receive proper training regarding AI systems and digital evidence.

Without technical understanding, handling such cases may become extremely difficult in the future.

Personally, I think legal education should also include subjects relating to AI and cyber law because technology-related disputes are increasing continuously.

4. Stronger Laws Against Deepfakes

Strict punishment should be introduced for malicious creation and circulation of fake AI-generated content, especially when such material affects legal proceedings, public order, or personal reputation.

India may also consider introducing special regulations specifically dealing with deepfake technology.

Suggestions

After studying the issue of AI-generated evidence and its growing impact on the legal system, I believe some practical steps can help reduce misuse and improve reliability of such evidence in courts.

1. Strong Verification Mechanisms

Courts should adopt stronger verification procedures for checking whether AI-generated videos, audio recordings, or images are genuine.

Digital forensic laboratories should be properly equipped with modern tools capable of detecting deepfakes and manipulated electronic records.

2. Creation of Special AI Laws

India should introduce separate legal provisions specifically dealing with Artificial Intelligence and AI-generated evidence.

Present laws relating to electronic evidence provide some guidance, but they may not be fully sufficient for handling advanced AI technologies.

3. Awareness Among Citizens

In my opinion, ordinary people should also become more aware about fake AI-generated content.

Today, many people trust social media videos and voice recordings without checking their authenticity. Public awareness programs can help people understand the dangers of deepfakes and online misinformation.

4. Specialized Training for Legal Professionals

Judges, lawyers, police officers, and investigators should receive regular training regarding AI systems, cybercrime, and digital evidence.

Without proper technical understanding, handling AI-related disputes may become very difficult in future legal proceedings.

5. Human Supervision in AI-Based Investigations

AI systems should only assist investigators and courts.

Final legal decisions should always involve human judgment because technology alone cannot fully understand human emotions, intentions, or circumstances.

Personally, I believe that balancing technology with human reasoning is extremely important for protecting fairness and justice.

Conclusion

Artificial Intelligence is gradually changing the way evidence is created, analyzed, and presented in modern legal systems.

On one side, AI can help investigations become faster and more efficient. On the other side, it creates serious risks relating to fake content, manipulation, bias, and misuse.

Indian law already recognizes electronic evidence, but AI-generated evidence requires more detailed safeguards and stronger verification procedures. Courts must carefully examine such material before accepting it as reliable evidence.

In my opinion, technology should support the justice system but should never completely replace human judgment. Justice cannot depend entirely on machines because fairness, ethics, and human reasoning are equally important.

As technology continues to develop, Indian courts will likely face more disputes involving AI-generated material in the future. Therefore, legal reforms, technical awareness, and responsible use of AI are becoming increasingly necessary for protecting fairness in the justice system.

If proper legal reforms, technical safeguards, expert verification, and judicial training are introduced, AI can become a powerful tool for improving the administration of justice instead of becoming a source of confusion and misuse.

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